

BLM

Final Environmental Impact Statement for the White Pine Energy Station Project

FES 08-38



Volume 4
Appendixes R through U

Ely Field Office / Nevada

October 2008



BLM Mission Statement

The Bureau of Land Management is responsible for the stewardship of our public lands. It is committed to manage, protect, and improve these lands in a manner to serve the needs of the American people for all times.

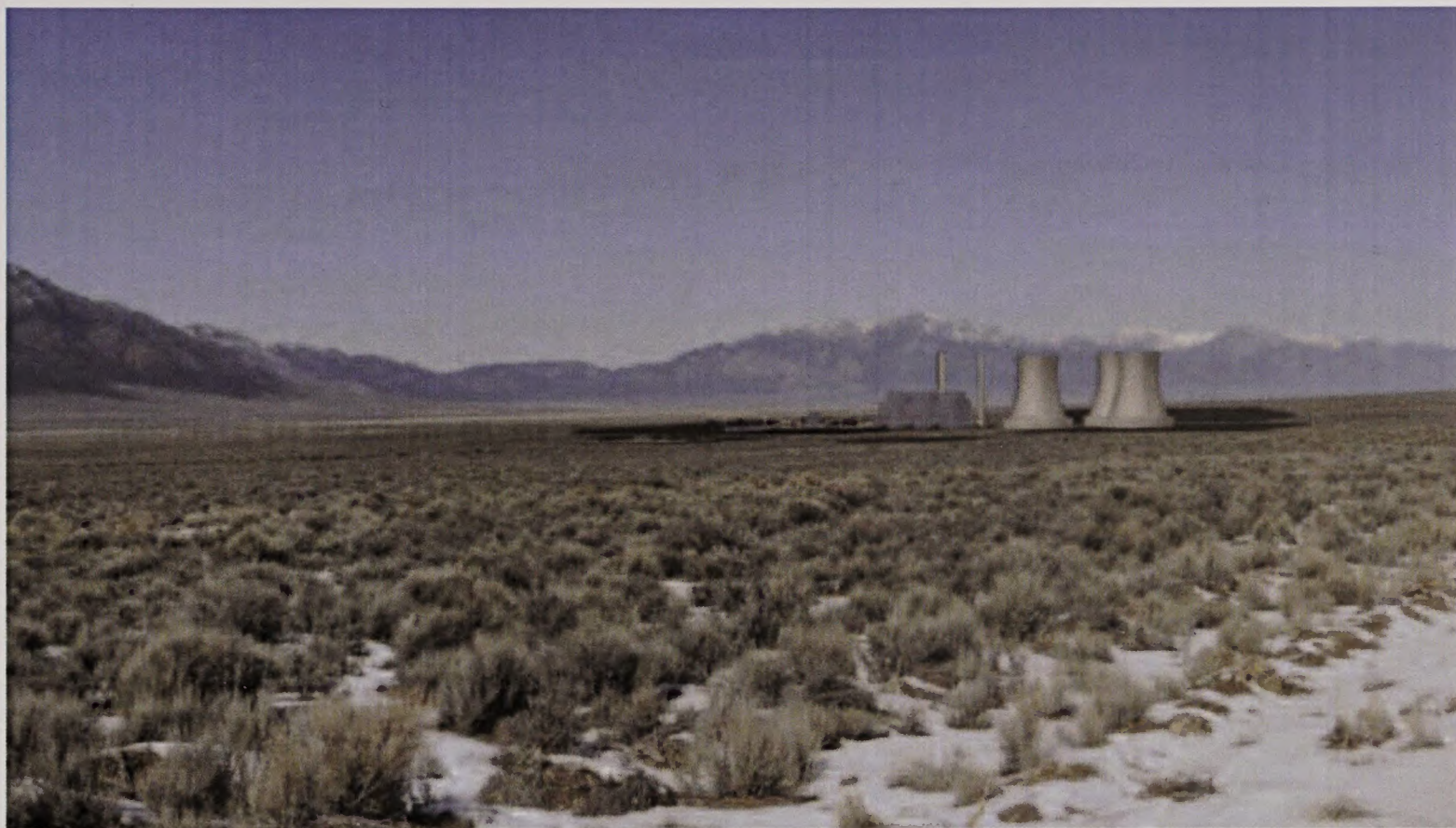
Management is based upon the principles of multiple use and sustained yield of our nation's resources within a framework of environmental responsibility and scientific technology. These resources include recreation, rangelands, timber, minerals, watershed, fish and wildlife, wilderness, air and scenic, scientific and cultural values.

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- R Responses to Federal Comments on the DEIS
- S Responses to State and Local Comments on the DEIS
- T Responses to Group and Organization Comments on the DEIS
- U Responses to Individual's Comments on the DEIS

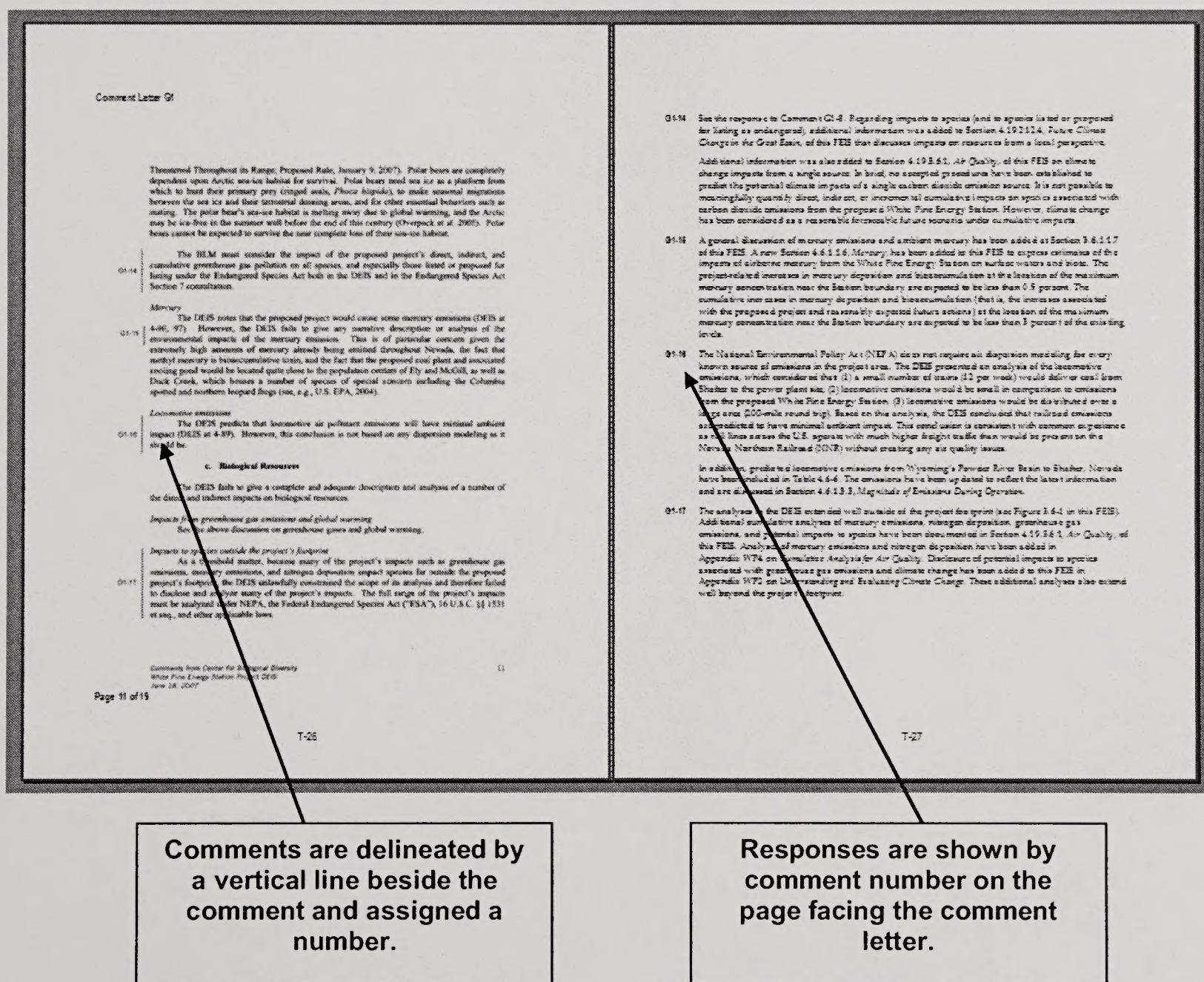
Guide for the Reader

Comment letters on the DEIS were grouped into the following four categories:

- Federal Agencies (Appendix R)
- State and Local Agencies (Appendix S)
- Groups and Organizations (Appendix T)
- Individuals (Appendix U)

Each letter is numbered. Each comment is numbered and delineated with a vertical line beside the text. Responses were prepared for each comment. In general, the letter will appear on the left side of the appendix and the response to comments will be on the right side across from the comment.

The example graphic below has been provided as a guide to the reader. It shows how the comment letters and the responses to comments are laid out in Appendixes R, S, T, and U.



Appendix R
Responses to Federal Comments on the DEIS

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

**75 Hawthorne Street
San Francisco, CA 94105-3901**

June 22, 2007

Jeffrey A. Weeks
Bureau of Land Management
Ely Field Office
HC 33 Box 33500
Ely, Nevada 89301

Subject: Draft Environmental Impact Statement for the White Pine Energy Station Project,
Nevada [CEQ# 20070151]

Dear Mr. Weeks:

The U.S. Environmental Protection Agency (EPA) has reviewed the Bureau of Land Management's (BLM) Draft Environmental Impact Statement (DEIS) for the White Pine Energy Station Project. Our review and comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) Regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act (CAA).

The proposed project includes the construction of the White Pine Energy Station, development of a well field in the Steptoe Valley Hydrographic Basin to meet the water needs of the plant, construction of a rail spur to supply coal, electric transmission facilities, electric distribution line, access roads, and additional construction sites. The White Pine Energy Station would consist of an approximately 1,590-megawatt (MW) coal-fired electric power generating plant using hybrid cooling systems, and containing up to three units. The proposed power plant site would encompass approximately 1,281 acres, including an onsite solid waste disposal facility for the disposal of coal combustion by-products and material collected by the pollution control equipment. Under separate cover, EPA has sent comments on the draft air permit (March 8, 2007) to the Nevada Bureau of Air Pollution Control for this project.

EPA recognizes the complexity of the proposed project and advocates an energy development approach which assures a long-term, sustainable balance between available energy supplies, energy demand, and protection of ecosystems and human health. EPA believes that the goals of providing additional energy supplies, aggressive energy conservation, and diversification of energy supply sources should be carefully balanced.

We have several concerns about the environmental impacts of the proposed project, as well as a lack of critical information in the DEIS. As such, we have rated this DEIS as EO-2, Environmental Objections – Insufficient Information (See attached "Summary of EPA Rating System"). An "EO" signifies that EPA's review of the DEIS has identified potential significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may involve substantial changes to the project. A "2" rating signifies that the DEIS does not contain sufficient information for EPA to fully assess

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No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

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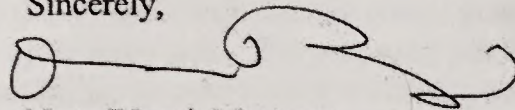
Comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

environmental impacts that should be avoided in order to fully protect the environment. In particular, we are concerned about the potential impact to approximately 440 acres of waters, including wetlands. We understand that this acreage has not been jurisdictionally delineated by the U.S. Army Corps of Engineers (Corps). However, impacts of this magnitude, especially within an arid ecosystem, are of significant environmental concern. We are also concerned about the impacts resulting from ground water withdrawal, air quality impacts from the operation of the proposed plant, including potential mercury emissions, and the general lack of mitigation described in the DEIS.

We recommend that EPA, the Corps, BLM, and the project proponent meet at the earliest possible convenience to: 1) discuss the extent of jurisdictional waters on the project site and the direct, indirect/secondary impacts which would occur as a result of the proposed project; 2) identify opportunities to avoid and minimize impacts to waters of the U.S.; 3) review the process for identifying the Least Environmentally Damaging Practicable Alternative (LEDPA); and 4) outline the requirements of a compensatory mitigation plan. The Final Environmental Impact Statement (FEIS) should provide additional information on wetland impacts, including a demonstration of the LEDPA and mitigation of those impacts. The FEIS should also include a discussion of potential impacts from mercury emissions and proposed mitigation. Overall, the FEIS should include a robust discussion of all mitigation measures proposed for the project, and these should be summarized in the Executive Summary.

We are glad to have had the opportunity to discuss this project with you in brief today and look forward to working with you to resolve our concerns. Please send one hard copy of the FEIS and one CD ROM copy to this office at the same time it is officially filed with our Washington D.C. Office. If you have any questions, please contact me at (415) 972-3846 or Ann McPherson, the lead reviewer for this project, at (415) 972-3545 or at mcpherson.ann@epa.gov.

Sincerely,



Nova Blazej, Manager
Environmental Review Office

Enclosures: Summary of EPA Rating Definitions
Detailed Comments

Cc: Col. Alex C. Domstauder, U.S. Army Corps of Engineers
Kevin Roukey, U.S. Army Corps of Engineers
Michael Elges, Nevada Division of Environmental Protection
Matthew DeBurle, Nevada Bureau of Air Pollution Control
John Bunyak, National Park Service
Cindy Nielson, National Park Service
Curt Dimmick, National Park Service
Tracy Taylor, State of Nevada Water Resources State Engineer

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

SUMMARY OF EPA RATING DEFINITIONS¹

This rating system was developed as a means to summarize EPA's level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the EIS.

ENVIRONMENTAL IMPACTS OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impact that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

ADEQUACY OF THE IMPACT STATEMENT

"Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

¹ From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.

US EPA DETAILED COMMENTS ON THE SCOPING NOTICE FOR THE DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS) FOR THE WHITE PINE ENERGY STATION PROJECT, WHITE PINE COUNTY, NEVADA, JUNE 22, 2007

Project Description

White Pine Energy Associates, LLC, (WPEA) has proposed to construct, own, operate, and maintain an approximately 1,590-megawatt (MW) coal-fired electric power generating plant in White Pine County in eastern Nevada. The power plant would be located on lands managed by the Ely Field Office of the U.S. Department of the Interior Bureau of Land Management (BLM). The site for the Proposed Action is the Steptoe Valley, approximately 34 miles north of Ely. An alternative power plant site (Alternative 1) also in Steptoe Valley is approximately 12 miles south of the Proposed Action power plant site. Features associated with both alternatives include: electric transmission facilities, water supply system, electric distribution line, rail spur, access roads, and additional construction sites.

Purpose and Need:

According to the Draft Environmental Impact Statement (DEIS), the purpose of the White Pine Energy Station is to supply reliable, low-cost electricity in an environmentally responsible manner to meet baseload energy needs in Nevada and the western United States, and to bring economic benefits to White Pine County, Nevada (pg. 1-2). To achieve this purpose, the DEIS states that the White Pine Energy Station must: 1) utilize commercially proven and reliable technology; 2) be cost-effective; 3) be located in proximity to infrastructure and water supplies in White Pine County; 4) put water rights held by White Pine county for energy production in Steptoe Valley to a beneficial use in producing energy; and 5) provide traffic for the Nevada Northern Railway (NNR).

The DEIS states that the Energy Information Administration (2006) forecasts the need for approximately 24,000 MW of new power generation in the western United States by 2015 and the new coal-fired generation facilities will supply 5,700 MW of this need (pg. 1-2; pg. 1-3). Five coal-burning plants have been proposed for Nevada alone, including: the White Pine Energy Station (1,590 MW), Toquop Energy Power Project (750 MW), Ely Energy Center (1,500 MW), Newmont Nevada Energy project (200 MW), and the Granite Fox project (1,450 MW). The combined power that would be generated from these five proposed power plants in Nevada exceeds 5,400 MW.

While the DEIS states that the purpose of the proposed project is to meet baseload energy needs in Nevada and the Western United States, there is no discussion of the broader context of energy demand in these markets. The purpose of the project is to meet inter- and intra-state demand for energy. This should be explicitly discussed in the Final Environmental Impact Statement (FEIS).

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

- Recommendation:*
- F1-1 The FEIS should discuss the proposed project in the context of the larger energy market that this project would serve. The FEIS should identify the potential purchases of power and provide a description of how the power would be bought, sold, and used so that the reader can better evaluate the tradeoffs between resource protection and power generation.
- Recommendation:*
- F1-2 If the potential purchasers of power include California utilities, the FEIS should address the issue of compliance with the new "greenhouse gas emissions performance standard" as adopted by the California Public Utilities Commission (CPUC) on January 25, 2007. California utilities are barred from buying electricity from most coal-fired power plants unless specific standards are met, effective February 1, 2007.
- Recommendation:*
- F1-3 EPA is concerned that the density of new coal-burning plants proposed in Nevada is in excess of the demonstrated need for energy throughout the Western States. The FEIS should more clearly describe how the overall need for the power in the Western States has been determined. The FEIS should also describe how the energy planning process for the Western States will ensure that individual states or regions do not carry an undue burden of power generation.

Alternatives Analysis:

CEQ Regulations for implementing NEPA (40 CFR, Parts 1500 - 1508) state that the alternatives section of an EIS should "rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly describe the reasons for their having been eliminated" (40 CFR, part 1502.14). Six key criteria were developed to evaluate the feasibility of alternative energy technologies: 1) capable of providing approximately 1,590 MW of reliable baseload power generation capacity; 2) environmentally permissible; 3) cost effectiveness relative to pulverized coal; 4) commercially proven and reliable; 5) place water held by White Pine County for power production in Steptoe Valley to beneficial use for power production; and 6) provide traffic for NNR.

The DEIS presents only two alternatives and a no-action scenario. The two alternatives are virtually identical except for location, and provide very little range of options for decision makers to evaluate the proposed project. The DEIS does identify several alternatives which were eliminated from further evaluation because they did not meet the purpose and need. While the DEIS included a discussion of some of the reasons for their elimination, there was not a clear set of quantitative criteria identified which were used to screen all alternatives in a similar manner. For example, no criteria outlining a cut-off point for financial feasibility/profit margin, minimal plant efficiency rates, level of air, water or habitat impacts were provided. Also, it is unclear how unquantified environmental impacts (such as a reduction of air pollutants, reduced ash disposal, or reduced water use) may have been considered in the economic analysis. Each

F1-1 This FEIS has been updated to reflect new information (see Section 1.2.4, *Project Need*). As discussed on pages 1-2 and 1-3 of the DEIS and this FEIS, the Energy Information Administration forecasts the need for approximately 20,500 megawatts (MW) of new power generation in the western United States by 2015 (72,500 MW by 2030) to meet growing energy needs and maintain reliable operation of the electric system. The Energy Information Administration (2007) estimates that new coal-fired generation facilities will supply 7,600 MW by 2015 (51,000 MW by 2030) of this need for new generation capacity. In Nevada, Sierra Pacific Resources, Inc. (2006) and Nevada Power Company (2006) have identified the need for approximately 5,500 MW of additional electric capacity beyond their existing generation capacity and secured purchases by 2015. The White Pine Energy Station (Station) would help fill part of the identified need for electricity by providing approximately 1,590 MW of new baseload coal-fired generation capacity.

Section 1.2.1, *Introduction*, has been revised to reflect that White Pine Energy Associates (WPEA) is an independent power producer (IPP). Power from the White Pine Energy Station would be sold on a wholesale basis to utilities, municipalities, and/or cooperatives. These potential customers of the Station would in turn sell the power to the end users of the electricity. IPPs play an important role in the larger energy market by creating a competitive environment for electricity supply, thus lowering the cost of electricity for the end user. IPPs generally do not enter into power purchase agreements until the development stage of the project is complete and all major construction approvals have been obtained.

A connected action to the proposed White Pine Energy Station that is addressed in the DEIS and this FEIS is the construction and operation of a 500-mile-long, 500 kV transmission line known as the Southwest Intertie Project (SWIP), which was approved by the BLM in 1994. The SWIP transmission line will interconnect with the Duck Creek Substation adjacent to the Station. The SWIP transmission line will allow power generated from the Station to be transmitted not only throughout Nevada, but also throughout the western United States.

See the response to Comment F1-10 for further explanation.

F1-2 WPEA has informed BLM that it is aware of the recent regulatory changes by the California Public Utilities Commission and that if any power from the Station is sold in California, it will comply with all applicable requirements for the sale of its electricity.

F1-3 With respect to the overall need for power in the West, see the response to Comment F1-1.

Although other proposals exist for coal-fired power projects in Nevada, there is no certainty that any of the other projects will actually be constructed and operated. In fact, the results will not be certain until the plants are constructed and operated, because of extensive permitting, regulatory, market, financial, and litigation risks associated with each proposed power plant. As a threshold issue, it is not certain at this time whether any of the projects named in the comment will obtain the necessary approvals and be constructed. For example, the Granite Fox project referenced on page 1 of EPA's detailed comment letter has publicly announced a request that the BLM stop work on an environmental impact statement for that project.

With respect to an "undue burden of power generation," BLM is not aware of any planning process for the geographical distribution of electrical generating facilities in the western U.S. It is not clear that any burden would be created, as long as the facilities constructed do not cause or contribute to any exceedances of environmental standards. As demonstrated in this FEIS, the White Pine Energy Station, considered in conjunction with the existing facilities in the region and the other reasonably expected future power generation facilities in the region, is not expected to cause or contribute to a violation of any applicable environmental standard. Thus, the White Pine Energy Station is not considered to create or be part of any undue burden of power generation.

Comment Letter F1

alternative was described and a qualitative reason for elimination was provided, based on the six key criteria identified previously.

Recommendation:

F1-4 | The FEIS should provide a clear discussion of the reasons for the elimination of alternatives which are not evaluated in detail and provide a clear set of quantitative criteria to screen all alternatives. The potential environmental impacts of each alternative should be quantified to the greatest extent possible (e.g., acres of wetlands impacted, tons per year of emissions produced, etc.). For example, the FEIS should include a matrix that rates each of the alternatives on each of the selection criteria. Quantitative values should be included wherever practicable.

Recommendation:

F1-5 | In reviewing the DEIS, some alternatives seem to have been eliminated solely because they do not *maximize* the economic benefits. Since maximizing economic benefit is not clearly identified as part of the purpose and need or evaluation criteria for this project, it appears some reasonable alternatives may have been prematurely eliminated. Clearly identify the economic criteria used for analyzing alternatives. As appropriate, fully consider alternatives previously rejected in the earlier analysis.

Coal gasification was considered in the comparison of alternative power generating technologies (pg. 2-66). The DEIS includes a preliminary evaluation of Integrated Gasification Combined Cycle (IGCC) coal combustion technology but concludes that: 1) IGCC would not provide adequate baseload power generation; 2) IGCC is not yet commercially proven, reliable, and available in a time frame to support the proposed project; and 3) IGCC would cost more than a conventional coal plant (pgs. 2-80 through 2-82). EPA understands that IGCC technology offers potential reductions in air pollutant emissions and greenhouses gas emissions; requires less water; and produces less ash requiring disposal. It is not clear if these benefits have been considered in the cost-benefits analysis of the various alternatives. The CEQ Regulations for implementing NEPA indicate that unquantified environmental impacts and values should be considered (40 CFR 1502.23).

Recommendation:

F1-6 | The FEIS should explain how such unquantified environmental impacts and values have been considered in the cost-benefit analysis, in particular for IGCC technology.

Recommendation:

F1-7 | The FEIS should clarify if the incentives in Title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511-16514) to facilitate deployment of innovative technology such as IGCC were considered in the cost-benefit analysis.

The Ely Energy Center is a proposed project that is described in greater detail in the Cumulative Impacts section of the DEIS (pg. 4-262 through 263). This proposed coal-fired power facility would be located in close proximity to the White Pine Energy Station (approximately 18 miles north of Ely or 50 miles north of Ely, depending on the selection of the

- F1-4** This FEIS provides clear discussions of the rationale for the elimination of alternatives that are not carried forward for detailed evaluation. Section 2.5, *Alternatives Considered but Eliminated from Detailed Evaluation*, discusses the results of a screening process that was used to evaluate and compare alternatives for various project features and components. A new Section 2.5.4, *Alternative Air Pollution Control Technologies*, was added to this FEIS. Rationale is presented in this section explaining why certain alternatives were eliminated from further consideration and why other alternatives were carried forward for detailed evaluation in the DEIS. Section 2.5 evaluates alternatives for nine categories of project features and components to determine whether a given alternative would be capable of meeting the purpose and need of the project. Wherever practicable, the screening criteria were quantitative in nature, with additional quantitative analysis and comparisons conducted as part of the more detailed studies presented in the DEIS and this FEIS. For example, much of the summary information presented in Table 2-4 in Section 2.5.1, *Alternative Power Generating Technologies*, is based on quantitative descriptions in the supporting text of the screening criteria that were used to evaluate the 12 types of alternative power generating technologies initially considered. Estimates of footprint level impacts (for example, acres of habitat, wetlands, and emissions) were not possible at the screening level for most of the alternative generating technologies because they are generic in nature and not specific project proposals at this initial stage of analysis. Other examples of quantitative comparisons of alternative project features or components considered in Section 2.5 include information in Tables 2-5 and 2-6 and in text in Section 2.5.3, *Alternative Power Plant Site Locations*, that was used in a screening process to determine which power plant sites to carry forward for detailed evaluation. A new Table 2-7 and text in Section 2.5.4, *Alternative Air Pollution Control Technologies*, compare air quality effects associated with various pollution control technologies. Table 2-8 and text in Section 2.5.5, *Alternative Cooling Technology*, provide quantitative comparisons of project features associated with the original and revised power plant cooling technologies. Figure 2-21 in Section 2.5.7, *Alternative Rail Spurs*, depicts, and the supporting text discusses, alternative locations that were screened for the rail spur crossing of Duck Creek. Section 2.5.8, *Alternative Structure Designs for Crossing Duck Creek*, discusses types of structures that could be used to cross the creek and screening criteria that were used to evaluate these structures. Section 2.5.9, *Alternative Well Field Electric Distribution Line Alignment and Design*, and Section 2.5.10, *Alternative Transmission Line Route*, discuss the screening criteria, evaluation process for these project features, and the basis for selecting the alternatives to be analyzed in detail in the DEIS.
- F1-5** The evaluation of alternatives is included in Section 2.5, *Alternatives Considered but Eliminated from Detailed Evaluation*, of this FEIS. Maximizing economic benefit was not used as an evaluation criterion for this project. Although cost effectiveness relative to pulverized coal is one of the purpose and need criteria, none of the alternatives are eliminated on the basis of this criterion alone. The economic criteria used in determining the cost effectiveness relative to pulverized coal are listed in the text of Section 2.5 of this FEIS for each potential alternative.
- F1-6** Neither the National Environmental Policy Act (NEPA) nor other applicable law requires a cost-benefit analysis be included in the EIS for the White Pine Energy Station, and a cost-benefit analysis was not employed to distinguish among alternatives in the DEIS or this FEIS. Because a cost benefit analysis was not conducted, the regulation cited by the commenter (that is, 40 CFR §1502.23) is not applicable.
- F1-7** As discussed in the response to Comment F1-6, a cost-benefit analysis is not required and was not employed to distinguish among alternatives in the DEIS or this FEIS.

Comment Letter F1

alternative) and constructed in two phases. Phase 1 would include constructing two, 750-MW units that use pulverized coal technologies. Phase 2 would include constructing two 500-MW integrated gasification combined-cycle (IGCC) generating units.

Recommendation:

F1-8

EPA questions whether the project proponent for the White Pine Energy Station considered a two phase process, similar to the Ely Energy Center, where IGCC might be considered in a second phase of development. This should be discussed in the FEIS.

Recommendation:

F1-9

EPA recommends that the project proponent consider developing a new alternative that incorporates phased development of IGCC, or modifying the existing alternatives, to provide the plant with enough physical space so that any future modifications associated with carbon dioxide capture equipment could be implemented within the existing area.

The DEIS states that conservation/energy efficiency cannot be proposed by WPEA, and it is not an action the BLM or federal government can take in lieu of reaching a decision regarding implementation of the proposed project. Therefore, conservation/energy efficiency cannot be considered as an alternative to the proposed project (pg. 2-84).

All reasonable alternatives that fulfill the purpose of the project's purpose and need should be evaluated in detail, including alternatives outside the legal jurisdiction of the BLM and beyond the scope of what Congress may have approved or funded (Council on Environmental Quality's (CEQ) Forty Questions¹, #2a and #2b). The more alternatives considered, the greater the possibility of avoiding significant impacts. *"In determining a reasonable range of alternatives, the focus is on what is "reasonable" rather than on whether the proponent or applicant likes or is itself capable of carrying out a particular alternative. Reasonable alternatives include those that are practical and feasible from the technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant."* (CEQ Forty Questions, #2a)

Additionally, *"Alternatives that are outside the scope of what Congress has approved or funded must still be evaluated in the EIS if they are reasonable, because the EIS may serve as the basis for modifying the Congressional approval or funding in light of NEPA's goals and policies. Section 1500.1(a)."* (CEQ Forty Questions, #2b)

Recommendation:

F1-10

The FEIS should be revised to state: 1) that increased requirements for energy efficiency is an action that local, state, and the federal government can undertake to meet the purpose and need of supplying energy to the Western States, and 2) the FEIS needs to explain why this is, or is not, a "reasonable" alternative for this project.

¹Forty Most Asked Questions Concerning CEQ's NEPA Regulations, 40 CFR Parts 1500-1508, Federal Register, Vol. 46, No. 55, March 23, 1981.

F1-8 Although the developers of the proposed Ely Energy Center have publicly stated that the second phase of development would include IGCC, neither the air permitting process nor the NEPA process associated with the Ely Energy Center evaluates that second phase.

As discussed in Section 2.5, *Alternatives Considered but Eliminated from Detailed Evaluation*, of this FEIS and in the response to Comment F1-6, IGCC technology is not yet commercially proven and reliable.

Additional technical and economic factors that preclude the selection of IGCC for the White Pine Energy Station are documented in Section 2.5.1, *Alternative Power Generating Technologies*, and in Appendix H of this FEIS, *Alternative Coal Fired Generation Technologies*, that includes a thorough discussion of IGCC. Based on the documented technical and economic concerns surrounding IGCC, WPEA did not consider a two-phase process similar to the proposed Ely Energy Center.

F1-9 WPEA has committed to provide the plant with enough physical space to allow for potential modifications associated with carbon dioxide capture equipment within the existing project footprint. The text has been modified in Section 2.2.3.1.2, *Land Set-Aside for Future Carbon Capture Technology*, and a location is designated in Figure 2-2. A memorandum of understanding (MOU) between WPEA and the State of Nevada, signed on November 20, 2007, would require the facility to be designed and constructed in a manner to be "Carbon Capture Ready" so that the facility can be retrofitted in the future with carbon dioxide capture equipment. As part of this requirement, 7 acres of land would be set aside for each coal fired boiler to allow for the installation of this technology. At this point in time, the ultimate disposition of the captured carbon dioxide is unknown. If the sequestration of the carbon dioxide were to involve BLM-administered land or other federal permitting action, a separate NEPA analysis may be required in the future. Additional information on carbon capture and sequestration can be found in Appendix E, *Carbon Capture and Sequestration*, of this FEIS. A copy of the MOU can be found in Appendix F of this FEIS.

F1-10 The commenter is correct that local, state, and federal governments can undertake actions that increase requirements for energy efficiency and conservation, and indeed many such programs are being implemented. However, energy efficiency and conservation programs, either alone or in combination with other programs and energy sources (that is, renewables), are not expected to eliminate the current and future need for new baseload generation. These programs may be a part of the solution to future energy needs, but they are not reasonably expected to supplant the need for additional baseload generation and so are not alternatives to the proposed project.

The projections for future load growth described in the purpose and need discussion in Chapter 1 of this FEIS include consideration of reasonably expected conservation/energy efficiency programs. In addition, the Public Utility Commission of Nevada (PUCN) has recently reported a projected capacity shortfall of 4,000 MW by 2020 if new generation capacity is not added (PUCN, *Resource Planning 2007, Nevada's Electricity Future: A Portfolio-Focused Approach*). The PUCN has supported utility-sponsored conservation and energy efficiency programs since 1984, and utilities have greatly increased spending to fund demand-side reduction programs. Also, Nevada's Renewable Portfolio Standard (RPS) provides incentive for additional conservation and energy efficiency; however, demand for electricity in Nevada is expected to continue to grow, regardless of the range of reasonably expected conservation and energy efficiency programs.

Elsewhere in the West, future load growth is expected, even when conservation and energy efficiency programs are considered. For example, Tri-State Generation and Transmission Association, Inc. (Tri-State), which serves customers in New Mexico, Colorado, and Wyoming, has stated a need for additional baseload generating capacity in both the near-term and long-term. This need for additional capacity is in addition to the current and anticipated future energy conservation and efficiency programs sponsored by the company. Tri-State plans to pursue 700 MW of coal-fired baseload capacity to satisfy its near-term need for new generation (Tri-State, *Integrated Resource Plan*, February 15, 2007). Additionally, PacifiCorp has stated a need for additional baseload generating capacity, particularly in its eastern system, which includes Idaho, Utah, and Wyoming. PacifiCorp

reiterated its desire to add approximately 1,700 MW of baseload and intermediate load resources to its eastern system by 2016. This additional capacity would help offset projected deficiencies of 800 MW by 2010 and 3,000 MW by 2016 in the PacifiCorp system (PacifiCorp, 2007 *Integrated Resource Plan*). Finally, in Arizona, the need for baseload power grows by approximately 100 MW annually (Arizona Public Service Co., *Request for Proposal for Long-Term Base Load Capacity Supply*, January 24, 2006), despite multiple conservation and energy efficiency programs sponsored by the company.

The projections for future load growth described in the purpose and need discussion in Chapter 1 of this FEIS include consideration of reasonably expected conservation/energy efficiency initiatives. While conservation and energy efficiency programs will reduce the rate of load growth in the western United States, load growth is expected to occur under any reasonably foreseeable scenario. Baseload generation will be needed to satisfy this growing demand. Discussion has been added to Section 2.5.2, *Conservation/Energy Efficiency*, of this FEIS to clarify that conservation and energy efficiency programs do not obviate the need for new baseload generation.

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Recommendation:

F1-11 Increased energy efficiency offers an attractive, cost-effective alternative to building new power plants, and in some cases, even to generating electricity from existing power plants. The FEIS should discuss on-going and planned energy conservation programs undertaken by power distributors and how energy conservation may affect the need for this project.

The DEIS states that the Proposed Action would put to use beneficial ground use water rights granted to White Pine County by the Nevada State Engineer in Steptoe Valley for energy production purposes. If these rights are not put to beneficial use, White Pine County is at risk of having the rights withdrawn by the State Engineer (pg. 1-3). As stated earlier, one of the criteria identified in the DEIS that was used to evaluate the feasibility of the different alternatives is the ability of the project to use this allocation of water. Additionally, the DEIS states that one of the six key criteria used to evaluate alternative power generating technologies is to provide traffic for the NNR.

Recommendation:

F1-12 The FEIS should clearly describe why these two screening criteria are appropriate in the context of this project and other competing resource needs. Water in the West is becoming an increasingly valuable commodity, especially in light of widespread drought conditions. The alternatives analysis should consider ways to maximize water conservation, as well as other economic benefits that could be derived from conserved water, such as sale of water rights to other uses. The FEIS should also clearly describe why providing traffic for the NNR is an appropriate screening criterion. EPA is concerned that this criterion may unnecessarily constrain the reasonable range of alternatives.

The DEIS states that geothermal power is not available in White Pine County in sufficient capacity to meet the project purpose and need and that geothermal power does not meet most of the six project purpose and need criteria, nor does it meet the overall purpose and need of the proposed Station (pg. 2-71). Geothermal resources are found extensively in the Western United States, particularly in California and Nevada. In 2006, the Geothermal Taskforce of the Western Governor's Association estimated that Nevada could install an additional 1,488 MW of geothermal power economically by 2015, and estimated potential by 2025 as high as 2,895 MW from identified resource areas. Geothermal resources should be an attractive alternative to utilities because they are baseload renewable energy sources.

Recommendation:

F1-13 For the purpose of public disclosure, EPA recommends that the FEIS include additional discussion on the potential for development of geothermal resources in Nevada outside of White Pine County.

- F1-11** As discussed in the response to Comment F1-10, new baseload generation is needed in the western United States, even when reasonably foreseeable conservation and energy efficiency initiatives are taken into account.
- F1-12** The purpose, need, and background discussion in Section 1.2 of this FEIS has been revised to include an expanded explanation of the basis for use of White Pine County's water rights and upgrading the railroad as purpose and need criteria. Case law and BLM guidance both recognize that when an EIS is prepared in response to a private proposal, it is appropriate for the BLM to consider the needs and goals of the parties involved in the application or permit as well as the public interest. The Federal Land Policy and Management Act also authorizes the BLM to take into account the plans and goals of local governments in its land management decisions. 43 USC 1712 (c)(9). For the White Pine Energy Station, while the applicant is WPEA, the Proposed Action is essentially a joint proposal with White Pine County. The county is party to a joint development agreement with WPEA for the proposed power plant, and also has other long-held economic development plans that relate to and would be furthered by the proposed action, most notably utilizing water rights that have been approved for power generation use and reestablishing service on the county-owned Northern Nevada Railroad. See EIS Section 1.2.3, *Project Need*. Also, in a July 11, 2007, letter to the BLM (White Pine County, 2007), the White Pine County Board of County Commissioners stated, "[t]he development of water resources for power generation in Steptoe Valley and the ability to reinstate rail freight service on Class III track are basic to White Pine County's long term goals of strengthening and stabilizing the area's economy and improving the quality of life for all White Pine County residents." The railroad upgrade and use of the county's water rights are both recognized in the joint development agreement. The BLM believes the county's plans and goals, particularly when they are closely tied to the Proposed Action, are legitimate purpose and need factors. It should be noted that no alternative was screened out based on a failure to meet these purpose and need criteria. It should also be noted that in response to public concerns, WPEA revised its proposed cooling system to reduce ground water consumption from 25,000 acre-feet to 5,000 acre-feet annually.
- F1-13** During the next decade, the total planned geothermal capacity additions for Nevada are estimated at 310 MW (Public Utilities Commission of Nevada, *Resource Planning 2007, Nevada's Electricity Future: A Portfolio-Focused Approach*). To disclose the potential for geothermal development in Nevada, the following text has been added to Section 2.5.1.1.4, *Geothermal*, of this FEIS:
- The Western Governors Task Force (2006) estimated that Nevada has the potential for an additional 1,488 MW of geothermal energy by 2015 and up to 2,895 MW by 2025. However, the report shows that most geothermal resource sites are located in western Nevada and none are shown for White Pine County.

Water Resources

Clean Water Act Section 404

EPA is very concerned about the potential impact to approximately 440 acres of waters, including wetlands (pg. 3-59). We understand that this acreage has not been jurisdictionally delineated by the U.S. Army Corps of Engineers (Corps). However, impacts of this magnitude, especially within an arid ecosystem, are of significant environmental concern. We recommend that EPA, the Corps, BLM, and the project proponent meet at the earliest possible convenience to 1) discuss the extent of jurisdictional waters on the project site and the direct, indirect/secondary impacts which would occur as a result of the proposed project; 2) identify opportunities to avoid and minimize impacts to waters of the U.S.; 3) review the process for identifying the Least Environmentally Damaging Practicable Alternative (LEDPA); and 4) outline the requirements of a compensatory mitigation plan.

Pursuant to Section 404 of the Clean Water Act (40 CFF 230), only the LEDPA can be permitted. Identification of the LEDPA is achieved by performing an alternatives analysis that estimates the direct, secondary, and cumulative impacts to jurisdictional waters resulting from each alternative considered. Project alternatives that are not practicable and do not meet the project purpose are eliminated. The LEDPA is the remaining alternative with the fewest impacts to aquatic resources, so long as it does not have other significant adverse environmental consequences. When an analysis is correctly structured, the applicant or the permitting authority can be assured that no discharge other than the practicable alternative with the least adverse impact on the aquatic ecosystem has been selected (40 CFR 230.10(a)). In addition, the applicant must clearly demonstrate that alternatives that do not result in the discharge of dredged or fill material in aquatic sites are either not practicable, or have other significant adverse environmental consequences.

Based on information provided in the DEIS, a total of 441.3 acres were determined to be potentially jurisdictional waters (pg. 3-59). This includes 240.3 acres of wetlands and six drainages totaling 19.3 acres of waters. Approximately 126.5 acres of wetlands were associated with the Proposed Action Right-of-Way (ROWs) and buffers while 113.8 acres of wetlands were associated with the Alternative 1 ROWs and buffers. The wetlands consist of wet meadow, alkali meadow, and rabbitbrush meadow. In total, 122 drainages were identified in the field. These drainages included 61 ephemeral, 54 swales, 6 intermittent, and one perennial.

According to the DEIS, implementation of either the Proposed Action or Alternative 1 would have the same or similar environmental consequences with respect to surface water resources (pg. 4-9). Both station construction and operation could affect surface water. Permanent, temporary and secondary/indirect impacts to waters would occur from construction of the power plant, substations, access roads, transmission and distribution lines and footings, water supply wellfield, and rail spur. However, it is difficult to discern the extent of impacts to waters based on information provided in the DEIS.

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

Appendix B discloses the extent of unverified waters in the study area, but potential impacts are not adequately and concisely disclosed in the DEIS. Although Table 4.5-1 estimates impacts on vegetation communities, it does not disclose the extent of impact to other waters or assess the secondary/indirect impacts to wetlands or springs as a result of groundwater drawdown (pg. 4-33). The DEIS discusses adversely affecting 42 drainages that drain into Steptoe Valley from Schell Creek Range, but the extent of the impact is unclear in the document.

Pursuant to the Guidelines, the applicant bears the burden of clearly demonstrating that the preferred alternative is the LEDPA that achieves the overall project purpose, while not causing or contributing to significant degradation of the aquatic ecosystem. At this time, the alternatives analysis in the DEIS does not demonstrate compliance with the 404 (b)(1) Guidelines. EPA offers the following recommendations to help facilitate compliance of the project with the Section 404 Guidelines:

Recommendation:

F1-14 | EPA, the Corps, BLM, and the project proponent should meet at the earliest possible convenience to: 1) discuss the extent of jurisdictional waters on the project site and the direct, indirect/secondary impacts which would occur as a result of the proposed project; 2) identify opportunities to avoid and minimize impacts to waters of the U.S.; 3) review the process for identifying the Least Environmentally Damaging Practicable Alternative (LEDPA); and 4) outline the requirements of a compensatory mitigation plan.

Recommendation:

F1-15 | Based on direction provided through the interagency meeting, the FEIS should include an evaluation of the project alternatives in order to demonstrate the project's compliance with the 404(b) (1) Guidelines and authorization of LEDPA. The alternatives analysis should include a reasonable range of alternatives that meet the project purpose while avoiding and minimizing damage to waters of the United States, including wetlands (waters). If, under the proposed project, dredged or fill material would be discharged into waters of the U.S., the FEIS should discuss alternatives to avoid those discharges.

Recommendation:

F1-16 | The FEIS should describe the status of consultations with the Corps regarding a CWA Section 404 permit, and how the Proposed Action meets 404 (b)(1) Guidelines which require that projects first avoid, then minimize, and finally mitigate any impacts to waters of the U.S., including wetlands and other special aquatic sites.

Recommendation:

F1-17 | The applicant should provide a table and clear narrative on the direct, indirect/secondary and temporary impacts to waters, including wetlands, in the FEIS. This includes an estimate of the extent of adverse impact (acreage) on the springs as a result of groundwater pumping.

F1-14 Consultation with the Sacramento District –Nevada Regulatory office of the U.S. Army Corps of Engineers (USACE) regarding the proposed White Pine Energy Station began in 2005. In response to a recommendation from the USACE, wetland delineations were conducted within the project study area during the summer of 2006. The wetland report was then sent to the USACE. The BLM has been working, and continues to work, with the USACE to obtain a determination of jurisdiction for surface waters, ephemeral drainages, and wetlands that occur in the project area.

The EPA's comment letter on the DEIS suggests that there would be potential impacts to approximately 440 acres of wetlands and other potentially jurisdictional surface waters within the project area. That conclusion is a misunderstanding. The wetland delineation conducted in the summer of 2006 showed that there were approximately 441.7 acres of wetlands in the combined study area for the Proposed Action and Alternative 1. Whether or not the USACE determines that Steptoe Valley waters are jurisdictional, impacts to wetlands would consist of 2 acres of temporary impacts and 4 acres of permanent impacts under the Proposed Action (Table 4.5-1 of the DEIS and this FEIS) and 27 acres of temporary impacts and 6 acres of permanent impacts under Alternative 1 (Table 4.5-2 of the DEIS and this FEIS). The study areas included buffer zones for each project feature as identified in Table 3.5-1. The acreages described in Chapter 3 of the DEIS and this FEIS summarize the acreage of all wetlands and other waters found in the project study area plus associated buffers. The actual area of permanent and temporary impact is discussed in Chapter 4 of the DEIS and this FEIS, specifically in Table 4.5-1 (Proposed Action) and Table 4.5-2 (Alternative 1). The wetlands that were delineated in the field were then overlaid using Geographic Information Systems (GIS) with each project feature's right-of-way (ROW).

Impact calculations were therefore specific to the construction ROW and are therefore reflective of the actual area of permanent and temporary impacts. Until the USACE makes a determination on jurisdiction and approves the wetland delineation report, a final summary of impacts to waters of the U.S. cannot be provided, and therefore the precise extent of potential direct and indirect effects cannot be finalized. The DEIS had to assume that the wetland delineation report would be accepted by the USACE in order to provide some analysis of impacts to wetlands and other waters of the U.S. Both the water resources and biological resources sections of the DEIS assess potential direct and indirect effects to wetland and surface water resources within the project area.

Text has been added to the discussion of wetlands in this FEIS in Chapter 3 (Section 3.5.1.1.10, *Wetlands*), Chapter 4 (Section 4.5.1, *Vegetation*), and in the introduction to Appendix I, *Wetlands*, that clarifies the difference between the numbers of acres of wetlands that are present in the project area as determined from wetland delineations (Chapter 3 and Appendix I) versus the numbers of acres of wetlands that would be affected by the proposed project (Chapter 4).

See the responses to Comments F1-17, F1-19, F1-22, and F1-23 regarding potential project effects on springs and their associated wetlands.

F1-15 See the response to Comment F1-14. Based on BLM Policy and the possibility that waters in the Project vicinity would be declared jurisdictional, the proposed White Pine Energy Station was designed to avoid and minimize wetland impacts. This includes the rail spur, which under the Proposed Action accounts for the majority of wetland impacts. Section 2.5.7, *Alternative Rail Spurs*, of the DEIS and this FEIS describes the assessment of three different alternative rail spur routes for the Proposed Action and selection of the route that would minimize direct impacts and minimize hydrological impacts to the wetland complex located just south of the selected route. The BLM's Preferred Alternative is the Proposed Action, as stated in Section 2.6 of the DEIS and this FEIS, which is the least impacting to wetlands and is intended to be the Least Environmentally Damaging Practicable Alternative (LEDPA). The actual determination of the LEDPA will be made by the USACE, should it determine that the wetlands are jurisdictional. As described in the response to Comment F1-14 and in the response to Comment F1-17, Table 4.5-1 (Proposed Action) and Table 4.5-2 (Alternative 1) list estimated temporary and permanent impacts to potentially jurisdictional

wetlands. These consist of 2 acres of temporary impacts and 4 acres of permanent impacts under the Proposed Action, and 27 acres of temporary impacts and 6 acres of permanent impacts under Alternative 1.

F1-16 See the responses to Comments F1-14 and F1-15.

F1-17 Discussions of impacts to wetlands are provided in the responses to Comments F1-14 and F1-15. As a result of the proposed monitoring and mitigation program, no acres of wetlands associated with springs are expected to be affected. A proposed monitoring and mitigation program (subject to approval by the Nevada State Engineer) to identify and avoid potential impacts to springs has been included in Chapter 2 as a component of the Proposed Action (see Section 2.2.3.3.2) and Alternative 1 (see Section 2.3.3.3.2) and is presented in Appendix G, *Ground Water Monitoring Plan*, of this FEIS. Table 4.5-1 (Proposed Action) and Table 4.5-2 (Alternative 1) list estimated temporary and permanent impacts to wetlands. These consist of 2 acres of temporary impacts and 4 acres of permanent impacts under the Proposed Action, and 27 acres of temporary impacts and 6 acres of permanent impacts under Alternative 1.

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Recommendation:

F1-18

The FEIS should include more information regarding functions of ephemeral washes and the locations of the ephemeral washes. Natural washes perform a diversity of hydrologic and biogeochemical functions that directly affect the integrity and functional condition of higher-order waters downstream. Healthy ephemeral waters with characteristic plant communities control rates of sediment deposition and dissipate the energy associated with flood flows. Ephemeral washes also provide habitat for breeding, shelter, foraging, and movement of wildlife. Many plant populations are dependent on these aquatic ecosystems and are adapted to the unique conditions of these systems.

Pursuant to the 404 Guidelines, the applicant must mitigate for unavoidable impacts to waters. Based on a review of the DEIS, it appears the applicant does not propose to mitigate for impacts to waters, including wetlands.

Recommendation:

F1-19

Based on this information provided in the DEIS, the applicant should prepare a compensatory mitigation plan for impacts to waters, including wetlands. This plan will identify how the mitigation will be managed and funded in perpetuity. This mitigation plan should also include a more comprehensive plan to mitigate for adverse effects of groundwater pumping on springs, including wetlands.

Clean Water Act Section 303(d)

The CWA requires States to develop a list of impaired waters that do not meet water quality standards, establish priority rankings, and develop action plans, called Total Maximum Daily Loads (TMDLs), to improve water quality.

Recommendation:

F1-20

The FEIS should provide information on CWA Section 303(d) impaired waters in the project area, if any, and efforts to develop and revise TMDLs. The FEIS should describe existing restoration and enhancement efforts for those waters, how the proposed project will coordinate with on-going protection efforts, and any mitigation measures that will be implemented to avoid further degradation of impaired waters.

Groundwater Resources

The perennial yield of the Steptoe Valley Hydrographic Basin has been established by the Nevada Department of Conservation and Natural Resources to be 70,000 acre-feet per year (pg. 3-48). The amount of committed resources is 78,531 acre-feet per year, which exceeds the perennial yield by 8,531 acre-feet per year (pg. 3-48). The rights to the 5,000 acre-feet per year of ground water that would be pumped for the proposed station were granted in 1983 when the total amount of water appropriated in Steptoe Valley was less than 48,000 acre-feet per year. The water rights that would be used for the proposed Station were appropriated before the basin became overcommitted.

F1-18 The functions of ephemeral washes as described in this comment have been added to the discussion in Section 3.3.3.1, *Streams*, of this FEIS. The locations of intermittent/ephemeral drainages are depicted in Figure 3.3-2 of this FEIS. The analysis of surface waters in this FEIS shows that there would be no long-term impacts to ephemeral washes. Also, see the response to Comment F1-17 regarding acres of wetlands affected.

F1-19 Should the USACE determine that the wetlands in the project area are jurisdictional, WPEA would obtain a Section 404 permit from the USACE. The permit would include a mitigation plan.

Section 4.5.1.1, *Proposed Action*, and Section 4.20, *Summary of Mitigation Measures*, of this FEIS describe the mitigation program for wetlands for both the USACE and the BLM. Impacts to any jurisdictional wetlands would be mitigated in consultation with the USACE. Impacts to non-jurisdictional and jurisdictional wetlands on BLM-administered lands would also need to be assessed under Executive Order 11990, Protection of Wetlands (1977), which requires agencies to minimize impacts of federal activities on wetlands.

F1-20 Nevada's 2004 303(d) list of impaired waters, which was approved by EPA as a final list in November 2005, shows no Clean Water Act Section 303(d) impaired waters in the project area. the Nevada Division of Environmental Protection (NDEP) has recently released a draft 2006 303(d) list. Comins Lake is included on the list. This is noted in this FEIS (see Section 3.3.4, *Water Quality*, and Section 3.6.1.1.7, *Mercury*).

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The DEIS states that the total amount of groundwater pumped from the Steptoe Valley Hydrographic Area in 2000 was estimated to be 6,360 acre-feet per year. Of this, approximately 3,560 acre-feet per year went to irrigation and stock watering uses, and 2,800 acre-feet per year went for municipal use. Estimates of historical use exceed 20,000 acre-feet per year (pg. 3-47).

Recommendation:

F1-21 | The FEIS should clearly depict reasonably foreseeable direct, indirect, and cumulative impacts to groundwater resources. The FEIS should address what would happen should the groundwater resources in the basin become overextended due to additional growth, continued drought, and the utilization of existing water rights in the basin.

The DEIS states that a ground water monitoring and reporting program will be implemented to determine if there are unanticipated effects from Station pumping on ground water levels or in flow rates and water levels of nearby springs (pg. 4-20). A brief description of the ground water monitoring program is included in Appendix I. Under the proposed Action, ground water from basin-fill aquifers in Steptoe Valley could result in localized ground water level declines between 2 and 6 feet deep. According to the DEIS, WPEA will modify their pumping strategy to mitigate the potential for impacts; however it is unknown whether all potential impacts could be avoided (pg. 4-264).

Given the potential for adverse impacts from pumping groundwater, it is important that all monitoring and mitigation information be provided to the public and decision makers. The Proposed Action would permanently eliminate a total of 1,516 acres of wildlife habitat and temporarily disturb an additional 395 acres of habitat. In the arid Great Basin, wetland habitat and the springs are critically important for several special status species that rely on water sources and wetland vegetation communities. According to the DEIS, no mitigation measures for vegetation, wildlife and aquatic resources, noxious weeds, or threatened, endangered, and sensitive species are anticipated to be necessary beyond the five measures listed on page 4-60. One of the measures includes the contribution of \$150,000 dollars to a mitigation fund that will allow the BLM/Nevada Department of Wildlife to fund wildlife habitat restoration work for project-related habitat disturbances.

Recommendation:

F1-22 | EPA recommends that the ground water monitoring program be clearly defined and include a mitigation section for water resources. The ground water monitoring plan should describe the location of the monitoring wells and discuss contingency actions in the event of detection of contamination. The monitoring program should also assess the impacts to vegetation, wildlife, and aquatic resources. Funds to implement the monitoring program should be established and monitoring should be conducted on a regular basis. The FEIS should include a commitment to the monitoring program and funding for the program.

Recommendation:

F1-23 | The FEIS should include additional mitigation for impacts related to ground water withdrawal. Modifying the pumping strategy may help to minimize effects associated

- F1-21** If all of the appropriated water rights were to be used, the rate of ground water withdrawal would exceed the annual perennial yield of Steptoe Valley as currently defined by the Office of the Nevada State Engineer (see Section 3.4.2.8; page 3-48 of the DEIS). However, the annual demand for water by either the Proposed Action or Alternative 1, together with the most recent known ground water demand by other permitted ground water users, would use less than 15,000 acre-feet of ground water. This is only a small fraction of the annual ground water perennial yield of Steptoe Valley (70,000 acre-feet). Water rights held by White Pine County are senior to many of the other water rights in the basin, and pumping of these senior water rights (up through White Pine County power production water rights) would not exceed the perennial yield of the basin. The Nevada State Engineer would restrict pumping of water rights junior to those of White Pine County for power production if issues regarding perennial yield were to occur. Cumulative impacts associated with the Proposed Action and Alternative 1 are discussed in Section 4.19.3.4, *Ground Water Resources*, of this FEIS.
- F1-22** Appendix G in this FEIS outlines the components of the proposed ground water monitoring and mitigation program (subject to approval by the Nevada State Engineer) that would be implemented under either the Proposed Action or Alternative 1. This program has been included as a component of the proposed project in Chapter 2 of this FEIS (see Sections 2.2.3.3.2 and 2.3.3.3.2) and Appendix G. The ground water monitoring program presented in this FEIS has been augmented from that presented in the DEIS to include more information on the location of monitoring wells, spring monitoring locations, monitoring frequency, and contingency actions in the event that the discharge from known springs may experience a potentially adverse reduction as a direct response to continued pumping by the Station and it is determined that the production well is the actual cause of that potential impact, or contamination associated with WPEA activities is anticipated above applicable water quality standards. The monitoring program will be submitted to the Nevada State Engineer for review and approval. The State Engineer may require the water right holder (in this case White Pine County) to implement the monitoring and mitigation plan. It would be the responsibility of the water right holder to fund and implement the plan. Nonetheless, WPEA has agreed to fund and implement the plan. Enforcement of the monitoring program is the responsibility of the State Engineer.
- F1-23** All reasonably anticipated impacts associated with ground water withdrawal are disclosed in the discussion of direct and indirect effects in Section 4.4, *Ground Water Resources*, and in the discussion of cumulative effects in Section 4.19.3.4, *Ground Water Resources*, of this FEIS. The ground water monitoring program is intended to mitigate these impacts to the extent practicable. WPEA is committed to following the ground water monitoring program discussed in the response to Comment F1-22. In addition, the ground water monitoring program in Appendix G has been augmented to include actions that will be taken if data indicate potentially adverse impacts to springs resulting from WPEA activities are anticipated.

F1-23
(cont.)

↑ with ground water withdrawal; however, it is unknown at this time whether all potential impacts can be avoided. The monitoring program should include actions that will be taken if data indicate impacts to springs or other resources. If specific impacts or mitigation measures cannot be identified at this point, the groundwater monitoring plan should include a commitment that if monitoring indicates there are impacts associated with the White Pine Energy Station, then WPEA will take actions necessary to fully correct and/or mitigate those impacts.

The DEIS states that an onsite solid waste disposal facility would be constructed and operated for the disposal of coal combustion byproducts including fly ash, bottom ash, economizer ash, scrubber byproducts and coal rejects, and other inert, non-hazardous industrial wastes. An evaporation pond with a surface area of up to 75 acres would also be constructed.

Recommendation:

F1-24

EPA recommends additional mitigation measures for protection of the aquifer underlying the proposed ash disposal and evaporation pond sites, including installing monitoring wells near or beneath the sites and sampling these wells on a regular basis.

Air Quality

Operating Permit to Construct (Prevention of Significant Deterioration Major Source Permit)

New major stationary sources of air pollution and major modifications to sources are required by the Clean Air Act (CAA) to obtain an air pollution permit before commencing construction. This process is called new source review (NSR) and is required whether the major source or modification is planned for an area where the NAAQS are exceeded (nonattainment areas) or an area where air quality is acceptable (attainment and unclassifiable areas). Permits for sources in attainment areas are referred to as *Prevention of Significant Air Quality Deterioration* (PSD) permits. Since the White Pine Energy Station is located in an attainment area, a PSD permit is required for construction of the project. EPA granted full delegation of the PSD program to the Nevada Division of Environmental Protection (NDEP) on October 19, 2004.

The DEIS states that the NDEP and EPA have the responsibility for assessment of Station impacts and specification of any mitigating actions deemed necessary to protect air quality as part of the PSD permitting process (pg. 4-119).

Recommendation:

F1-25

EPA delegated PSD to NDEP in October 2004. While EPA has an oversight role, NDEP is the permitting authority and bears the sole responsibility of evaluating impacts. This statement should be revised in the FEIS.

The DEIS provides scant detail on emissions, air pollution control devices, and Best Available Control Technology (BACT) emission limits. For a new major source, the PSD regulations (40 CFR 52.21) require application of BACT. The extent of the discussion is included on pgs. 4-88 through 4-90. The proposed control technologies for the pulverized coal

- F1-24** Quarterly ground water quality monitoring (upgradient and downgradient) and reporting will be required under the permits issued by the NDEP for the solid waste disposal facility and the evaporation pond. These monitoring requirements are described in Section 2.2.3.1.4, *Solid Waste Disposal*, and Section 2.2.3.1.5, *Evaporation Pond*, and included as ground water mitigation measures in Section 4.4.2, *Proposed Action Mitigation*, and Section 4.4.4, *Alternative 1 Mitigation*, in this FEIS.
- F1-25** Text on page 4-119 of the DEIS was revised in this FEIS to reflect that the NDEP has the sole responsibility of evaluating PSD impacts. The revised text in this FEIS states "as part of the Prevention of Significant Deteriorations (PSD) permitting process, the NDEP has the responsibility for the assessment of Station impacts and specification of any mitigating actions deemed necessary to protect air quality."

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boilers are summarized in table 4.6-3; maximum estimated emission of criteria air pollutants from the Station are shown in table 4.6-4.

Recommendation:

- F1-26 | The FEIS should address the range of emission control technologies that were evaluated for use at the facility in order to achieve BACT, and discuss the factors and process that are being used to select the appropriate technology.

Recommendation:

- F1-27 | The FEIS should discuss the PSD increments applicable to air quality in the project area. PSD increments exist for sulfur dioxide (SO₂), particulates (PM₁₀), and oxides of nitrogen (NO_x). The FEIS should discuss impacts to air quality and PSD increments from estimated emissions, considering the effects from all aspects of the project.

A facility must apply for and obtain a permit prior to commencement of construction under the PSD program. EPA reviewed the proposed "Operating Permit to Construct" for the White Pine Energy Station and submitted detailed comments on March 8, 2007. EPA offered several recommendations to the Nevada Bureau of Air Pollution Control (BAPC) in that letter. These recommendations are summarized below (a - f). Please refer to the original letter for additional details.

a. Recommendation:

- F1-28 | EPA recommends that the BAPC provide an on-record justification for selecting dry scrubbing as BACT controls for SO₂ rather than wet scrubbing. The BACT analysis should more completely compare specific emission limits and control technologies selected as BACT for pulverized coal boilers in other PSD permits recently issued or proposed nationwide, together with a detailed rationale for eliminating the top ranked control on the basis of energy, environmental, or economic considerations.

b. Recommendation:

- F1-29 | EPA recommends that the BAPC consider lowering the NO_x BACT emission limit to 0.06 pounds per million British Thermal Units, 24-hour average (lb/MMBTU), which is what EPA has proposed for the Desert Rock permit. The NO_x BACT emission limit in the draft permit is 0.07 lb/MMBTU, 24-hour average. The BAPC should evaluate whether the lower BACT emission limits could be achieved; identify any differences that would support a higher limit; and consider including provisions that would allow for a shakedown period after the facility commences operation to determine whether a lower BACT limit is achievable.

c. Recommendation:

- F1-30 | EPA recommends that the BAPC determine whether an additional Class II visibility impact analysis is needed to corroborate the CALPUFF modeling the applicant has provided.

d. Recommendation:

F1-26 See Section 2.5.4, *Alternative Air Pollution Control Strategies*, which has been added to this FEIS, for an explanation of the Best Available Control Technology (BACT) process and a table of the technologies that were reviewed and selected. Also, Appendix D, *Evaluation of Alternative Control Strategies*, has been included in this FEIS.

F1-27 The DEIS and this FEIS disclose and discuss the impacts to air quality and PSD increments from estimated emissions, considering the effects from all aspects of the proposed project in accordance with EPA's guidance in the EPA's Draft NSR Manual.

The PSD increments applicable to air quality in the project area (Class II areas) are discussed in Section 4.6.1.1, *Effects of Air Pollution*, and are analyzed in Section 4.6.1.3.5, *Class II Area Dispersion Modeling Results*, in this FEIS. Results of the PSD cumulative analysis are summarized in Table 4.6-6 of this FEIS.

The PSD increments applicable outside the project area (Class I areas) are discussed in Section 4.6.1.3.8, *Class I Area Dispersion Modeling Results*, and summarized in Table 4.6-13 in this FEIS.

F1-28 Several comments were received on the PSD permitting process. Additional information has been provided in Chapter 2 (Section 2.5.4, *Alternative Air Pollution Control Technologies*) and Chapter 4 (Section 4.6.1, *Air Quality*) in this FEIS. Also, Appendix D, *Evaluation of Alternative Control Strategies*, has been included in this FEIS. Should an action alternative be selected, WPEA would be required to obtain and comply with an Operating Permit to Construct from NDEP-BAPC, which would address the applicable air quality requirements associated with construction, including PSD requirements.

F1-29 See the response to Comment F1-28.

F1-30 See the response to Comment F1-28.

F1-31 | EPA recommends that the BAPC document the emission inventory the applicant used in its cumulative Class I increment analysis.

e. Recommendation:

F1-32 | EPA recommends a tiered approach to the BACT limits for NO_x, carbon monoxide (CO), and SO₂, with both short term lb/hr (one or three hours) and long term lb/MMBTU (24-hr) averages. Such limits would reinforce the source's obligation to operate its control devices properly at all times and would assure compliance with the 3-hour (SO₂) and 1-hour and 8-hour CO National Ambient Air Quality Standards (NAAQS). Without short term limits, the source could be in compliance with its 24-hour limits, while a short term peak in CO or SO₂ emissions could cause an exceedance of the short term NAAQS.

f. Recommendation:

F1-33 | EPA recommends that the final permit include enforceable definitions for start-ups and shut-downs; consider limiting the duration of each startup to 16 hours; and consider limiting the frequency of occurrence of the startup periods.

In general, EPA recommends that these issues be discussed in greater detail within the context of the FEIS, as the EIS is the appropriate venue for disclosing this information.

Visibility and Acid Deposition

The National Park Service (NPS) submitted comments on the PSD Permit Application Regarding Class I Impacts which are summarized in the DEIS on pgs. 4-114 through 4-115. The NPS expressed the following concerns: 1) visibility at Great Basin National Park would be significantly affected by the emissions from the Station alone; 2) sulfur deposition exceeds the NPS Deposition Analysis Threshold at Zion National Park; 3) sulfur and nitrogen deposition exceeds the NPS Deposition Analysis Threshold (DAT) at Great Basin National Park, with potential impacts to aquatic and terrestrial ecosystems; and 4) the impacts upon visibility in Great Basin National Park are significant. The DEIS states that there are two areas of concern: 1) predicted impacts on visibility within Jarbidge Wilderness Area and Zion National Park during conditions that have historically occurred for a small fraction of the time; and 2) visibility and acid deposition impacts within the Great Basin National Park.

The DEIS only states that the NDEP issued a draft air permit in December 2006 and required no further mitigation of visibility impacts as part of that permit (pg. 4-119). Additional discussion on these impacts is not evident in the DEIS.

Recommendation:

F1-34 | EPA is concerned about the potential for acid deposition and visibility impairment at Great Basin National Park, Jarbidge Wilderness Area, and Zion National Park. EPA recommends that BLM work directly with the NPS in resolving these concerns. This issue should be addressed in greater detail in the FEIS and mitigation measures should be proposed, as appropriate.

F1-31 See the response to Comment F1-28.

F1-32 See the response to Comment F1-28.

F1-33 NDEP-BAPC is required to respond to all comments on the draft PSD permit prior to issuance of the final PSD permit. WPEA has proposed to NDEP-BAPC definitions of startup and shutdown that would prohibit continuous operation at the maximum allowable heat input under the startup and shutdown emission limits and it is expected that NDEP-BAPC will implement these definitions in the final PSD permit. Should an action alternative be selected, WPEA would be required to obtain and comply with an Operating Permit to Construct from NDEP-BAPC, which would address the applicable air quality requirements associated with construction, including PSD requirements.

F1-34 In its comments to the NDEP-BAPC on the Draft Operating Permit to Construct for the White Pine Energy Station, the Federal land manager responsible for Zion National Park commented that the predicted visibility changes and acid deposition levels would not result in adverse impacts at this Class I area. The Federal land manager responsible for Jarbidge Wilderness Area was involved in the Class I air quality analysis, and was provided the required notifications and application materials during the PSD air permit application process, but did not determine that adverse impacts would result from the White Pine Energy Station.

Additional analysis of modeling data was completed in consultation with the National Park Service (NPS) to address concerns about visibility and acid deposition at Great Basin National Park, Zion National Park, and Jarbidge Wilderness Area. This analysis is included in the cumulative impact assessment in Section 4.19.3.6.1, *Air Quality*, in this FEIS. Additional information beyond that presented in the DEIS was added in Sections 4.6.1.3.8, *Class I Area Dispersion Modeling Results*, and 4.19.3.6.1, *Air Quality*, in this FEIS.

Based on the results of the air quality analyses provided in this FEIS and in Appendix L, *Cumulative Analysis for Air Quality*, the applicable regulations do not require any additional mitigation measures associated with visibility or acid deposition; thus, no additional mitigation measures are proposed in this FEIS.

Mercury Emissions

The DEIS contains little information on mercury emissions. Mercury is listed in table 4.6-3 and table 4.6-8 (pg. 4-90; pg. 4-97). Coal-fired power plants are the largest remaining source of mercury emissions in the country (<http://www.epa.gov/air/mercuryrule/basic.htm>). When coal is burned to generate electricity, mercury in the coal is released into the atmosphere. Airborne mercury emissions can be deposited locally or travel hundreds of miles, depending on the form in which it is emitted, the height at which it is released, and atmospheric conditions. Mercury generally falls out in rainfall, especially in urban areas where smog is a problem, and then enters streams, lakes, reservoirs, and oceans. Once mercury enters water, biological processes transform it to methyl mercury, a highly toxic form of mercury that bioaccumulates in fish and in other animals that eat fish. Human exposure to mercury occurs primarily through consumption of contaminated fish and shellfish.

Wyoming coal has a low chlorine content that causes mercury emissions to exist in an insoluble elemental form. Power plants burning Wyoming coal can obtain only 25% or less capture of mercury in their scrubbers, as compared to power plants burning eastern coal, which can get 80-90 % mercury capture in their scrubbers.

In March 2005, EPA promulgated the first national standards (Clean Air Mercury Rule - CAMR) for mercury emissions from coal-fired electric power plants. In July 2006, EPA finalized its new mercury rule and called for a nationwide reduction of mercury emissions in two stages. The first stage calls for a ~25% reduction by 2010 as a co-benefit of an existing rule calling for new scrubbers to reduce acid rain. Additional reductions are not required until 2018. Under a "cap and trade program" utilities can buy emission credits from other utilities in lieu of installing state-of-the-art mercury removal equipment. Nevada has developed the Nevada Clean Air Mercury Rule State Plan to comply with EPA's CAMR. Under the Clean Air Mercury Rule, Nevada was allocated a budget of 570 pounds of mercury per year from 2010 to 2017. From 2018 on, Nevada's budget is 224 pounds per year.

Recommendation:

F1-35 The FEIS should disclose the pounds of mercury emitted annually from the proposed project; include a discussion of how emission controls will reduce impacts from mercury; include a discussion of appropriate mercury emission limit(s); and summarize conclusions about mercury emissions to the atmosphere and subsequent deposition. The FEIS should indicate the amount of mercury estimated in the coal.

Recommendation:

F1-36 The FEIS should clearly express the impacts of airborne mercury to surface waters and associated biota. The FEIS should indicate that piscivorous (fish-eating) birds and mammals are particularly at risk from mercury emissions. This risk is likely to be greatest in areas that receive high levels of mercury deposition, although local and regional factors can substantially impact the amount of total mercury that is translocated from watersheds to waterbodies and undergoes chemical transformation to the methylated species.

F1-35 A discussion of mercury control has been added to Section 2.5.4, *Alternative Air Pollution Control Strategies*, in this FEIS. Estimated annual mercury emissions were added to Table 4.6-4 (that is, 0.15 ton per year) with additional discussion of mercury emissions presented in Section 4.6.1.1.6, *Mercury*, in this FEIS. The emissions limit for mercury was established by the NDEP as 0.00002 lb/Mwh on a rolling 12-month averaging period. Also, Appendix D, *Evaluation of Alternative Control Strategies*, has been included in this FEIS.

The cumulative impact analysis (Section 4.19.3.6.1, *Air Quality*, in this FEIS) explains that the operation of the White Pine Energy Station is expected to increase the amount of mercury present in the air and water by a small, incremental amount. This section also includes an estimate of the upper bound of the incremental increase in mercury deposition that could occur as a result of the Station. Also, Appendix L, *Cumulative Analysis for Air Quality*, has been included in this FEIS.

New background information on mercury has been added to Section 3.6.1.1.7, *Mercury*, in this FEIS.

The expected mercury concentration in Powder River Basin coal is 0.10 parts per million (ppm) based on data from the USGS COALQUAL database (<http://energy.er.usgs.gov/products/databases/CoalQual/index.htm>).

F1-36 A general discussion of mercury emissions and related impacts has been added at Section 3.6.1.1.7, *Mercury*, of this FEIS. A new Section 4.6.1.1.6, *Mercury*, has been added to this FEIS to express estimates of the impacts of airborne mercury from the White Pine Energy Station on surface waters and biota. The project-related increases in mercury deposition and bioaccumulation at the location of the maximum mercury concentration near the Station boundary are expected to be less than 0.5 percent above the existing background concentration. The cumulative increases in mercury deposition and bioaccumulation (that is, the increases associated with the proposed project and reasonably expected future actions) at the location of the maximum mercury concentration near the Station boundary are expected to be less than 3 percent above the existing levels. It is noted that these maximum increases were calculated at the location of maximum concentration just north of the proposed Station fence line where no aquatic ecosystems are known to exist. Actual increases at the locations of aquatic ecosystems in the area would be even lower.

Greenhouse Gas Emissions

The California Public Utilities Commission (CPUC) adopted an interim *Greenhouse Gas Emissions Performance Standard* on January 25, 2007 in an effort to help mitigate climate change. The standard mandates that that new plants produce gas emissions no higher than those from a combined cycle natural gas turbine and calls for an "emissions performance level" of 1,100 pounds of carbon dioxide per megawatt hour. The standard is aimed at coal-fired power stations operating outside California and exporting electricity to the state of California. California utilities are barred from buying electricity from most coal-fired power plants unless specific standards are met, effective February 1, 2007.

Recommendation:

F1-37 As stated previously, EPA recommends that the FEIS identify the potential purchasers of power. If the potential purchasers of power include California utilities, then the FEIS should address the issue of compliance with the new "*Greenhouse Gas Emissions Performance Standard*" as adopted by CPUC.

Global warming is caused by emissions of carbon dioxide and other heat-trapping gases. The DEIS compares greenhouse gas emission rates from three emission sources: 1) the White Pine Energy Station (Proposed Action), 2) a subcritical pulverized coal fired boiler, and 3) a combined cycle gas fired power plant (table 4.6-31). The White Pine Energy Station is expected to emit approximately 20 million tons per year (tons/year) of carbon dioxide (pg. 4-119).

Recommendation:

F1-38 The FEIS should discuss carbon capture and sequestration and other means of capture and storage of carbon dioxide as a component of the proposed alternatives.

Construction Emissions Mitigation

Appendix A describes Best Management Practices (BMP) that would be implemented to minimize or avoid the potential for impacting air quality. EPA recommends an evaluation of the following measures to reduce construction emissions of criteria air pollutants and hazardous air pollutants (air toxics). The FEIS should include a *Construction Emissions Mitigation Plan* to reduce construction emissions and commit to the use of these measures during construction, as appropriate.

- F1-39
- Reduce emissions of diesel particulate matter (DPM) and other air pollutants by using particle traps and other technological or operational methods. Control technologies such as traps control approximately 80 percent of DPM. Specialized catalytic converters (oxidation catalysts) control approximately 20 percent of DPM, 40 percent of carbon monoxide emissions, and 50 percent of hydrocarbon emissions.
 - Ensure that diesel-powered construction equipment is properly tuned and maintained, and shut off when not in direct use.
 - Prohibit engine tampering to increase horsepower.

- F1-37** The proposed White Pine Energy Station would be an independent power producer and would generate electricity to sell on the wholesale market. No specific purchasers are under contract at this time.

As discussed in the response to Comments F1-1 and F1-2, the White Pine Energy Station would not sell power to California utilities if they are not in compliance with the applicable Greenhouse Gas Emissions Performance Standards, as adopted by the California Public Utilities Commission.

- F1-38** WPEA has committed to provide the plant with enough physical space to allow for potential modifications associated with carbon dioxide capture equipment within the existing project footprint for both the Proposed Action and Alternative 1. The text has been modified in Section 2.2.3.1.2, *Land Set-Aside for Future Carbon Capture Technology*, and a location is designated in Figure 2-2. An MOU between WPEA and the State of Nevada, signed on November 20, 2007, would require the facility to be designed and constructed in a manner to be "Carbon Capture Ready" so that the facility can be retrofitted in the future with carbon dioxide capture equipment. As part of this requirement, 7 acres of land would be set aside for each coal fired boiler to allow for the installation of this technology. At this point in time the ultimate disposition of the captured carbon dioxide is unknown. If the sequestration of the carbon dioxide were to involve BLM-administered land or other federal permitting action, a separate NEPA analysis may be required in the future. Additional information on carbon capture and sequestration can be found in Appendix E, *Carbon Capture and Sequestration*, of this FEIS. A copy of the MOU can be found in Appendix F of this FEIS.

- F1-39** WPEA will be required to comply with all applicable federal, state, and local laws governing emissions from diesel engines during construction under the heading Air Pollution Prevention, Item 1, of the Best Management Practices (BMPs) identified in Appendix C of the DEIS and this FEIS. The EPA's recommendations have been forwarded to the proponent for consideration in the development of the required Construction, Operation, and Maintenance Plan.

F1-39
(cont.)

- Locate diesel engines, motors, and equipment as far as possible from residential areas and sensitive receptors (schools, daycare centers, and hospitals).
- Require low sulfur diesel fuel (<15 parts per million), if available.
- Reduce construction-related trips of workers and equipment, including trucks.
- Lease or buy newer, cleaner equipment (1996 or newer model), using a minimum of 75 percent of the equipment's total horsepower.
- Use engine types such as electric, liquefied gas, hydrogen fuel cells, and/or alternative diesel formulations.
- Work with the local air pollution control district(s) to implement the strongest mitigation for reducing construction emissions.

Cumulative Impacts

Cumulative impacts are discussed in Section 4.19. Eleven projects were considered in the cumulative impact analysis (pgs. 4-259 through 4-263) including the Ely Energy Center, which would be located approximately 15 miles south or 15 miles north of the White Pine Energy Station. Depending on the location of the Ely Energy Center well-field relative to the White Pine Energy Station well-field, the potential exists for cumulative effects on ground water resources, including impacts to spring discharges (pg. 4-265). The DEIS acknowledges that reduced flows and water levels may affect plant species associated with spring environments (pg. 4-266). Further analysis is precluded because of the lack of additional information on the Ely Energy Center.

Recommendation:

F1-40

The FEIS should contain a more detailed discussion on the potential impacts associated with ground water withdrawal in conjunction with the Ely Energy Station, including potential mitigation measures and identification of the entities that would be responsible for implementing those mitigation measures.

Hazardous Materials and Hazardous Waste

Coal Combustion Products (CCPs)

Coal combustion products (CCPs) are the byproducts generated from burning coal in coal-fired power plants. These byproducts include fly ash, bottom ash, boiler slag, and flue gas desulfurization (FGD) gypsum. EPA promotes the beneficial reuse of CCPs through its Coal Combustion Products Partnership (C2P2), a voluntary program to reuse CCPs in commercial applications to divert waste and save natural resources. Additional information about C2P2 can be found at <http://www.epa.gov/epaoswer/osw/conservation/c2p2/index.htm>. CCP reuse can mitigate potential negative effects of placing all CCPs in landfills and/or mines, while simultaneously encouraging economic benefits. Specifically, we recommend the following items for inclusion in the FEIS:

F1-40 The exact location of the wellfield that would serve the proposed Ely Energy Center has not yet been selected, as discussed in Section 4.19.3.4, *Ground Water Resources*, of this FEIS. However, the only location within the Steptoe Valley Hydrographic Basin that has the potential for cumulative impacts to ground water resources would be the Ely Energy Center wellfield located near Lages Station that could cause an overlap between the zones of ground water drawdown for the White Pine Energy Station and the Ely Energy Center. However, the most likely overlap area does not contain springs. Therefore, cumulative impacts to springs from the projects are unlikely. The zone of potential overlap does contain one permitted well, which is shown in Figure 4.4-3 in this FEIS north of the White Pine Energy Station drawdown zone and southwest of Lages Station. It is uncertain whether that well would be impacted because it is outside the 2 foot drawdown zone of the White Pine Energy Station wellfield and the drawdown zone for the Ely Energy Center is unknown at this time. It is anticipated that once the exact location of the wellfield for the proposed Ely Energy Center is known for certain and its effects analyzed, this information would be used in the EIS for the Ely Energy Center to analyze potential cumulative effects on ground water resources resulting from the proposed Ely Energy Center and the White Pine Energy Station. It also is anticipated that a ground water monitoring and mitigation program generally similar to that for the White Pine Energy Station would be developed for the proposed Ely Energy Center, and implemented and enforced according to Nevada State Engineer requirements.

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Recommendation:
F1-41 | EPA recommends that the FEIS discuss reuse options for coal fly ash and flue gas desulfurization (FGD) gypsum products. These CCPs are widely utilized in commercial applications and there are industry specifications regarding their reuse.

Recommendation:
F1-42 | EPA recommends that the FEIS discuss potential modifications to air pollution control devices/configurations in order to increase the marketability of coal fly ash and FGD gypsum. Modifications could include reducing the size of coal particles entering the boiler to decrease carbon content in the ash such that it will meet the American Society of Testing and Materials (ASTM) standards in Portland Cement Concrete, or installing a forced-air oxidation system in the FGD scrubber to produce gypsum.

Recommendation:
F1-43 | EPA recommends that the FEIS incorporate a sampling plan to test CCPs according to standard ASTM and EPA methods once generation has begun.

Recommendation:
F1-44 | EPA recommends that WPEA conduct a marketing and research plan designed to identify potential end-users of the CCPs, including an exploration of potential transportation options.

EPA encourages participation in C2P2 program. For more information on CCP reuse and partnership opportunities, please contact Elise Hunter (415-972-3290) in the EPA Region 9 Waste Management Division.

Electric and Magnetic Fields

Electric and magnetic fields (EMFs) are associated with transmission lines and substations and can be associated with potential health risks. This topic was not addressed in the DEIS.

Recommendation:
F1-45 | The FEIS should fully describe and evaluate the potential impacts of EMFs associated with transmission lines and substations, and analyze potential health impacts of the project due to increased EMFs. The FEIS should include a summary of existing scientific evidence that may be relevant to evaluating the reasonably foreseeable impacts associated with EMFs (40 CFR 1502.22) to disclose this information to the public under NEPA.

- F1-41** Fly ash would contain dry scrubber byproducts and is not typically sold for reuse. WPEA is not aware of any local customers who would purchase this material, although selling the material might be preferred if a local market emerges in the future. The analysis presented in the DEIS represents the maximum impacts, that is, disposing of fly ash and scrubber waste in an onsite solid waste disposal facility. Because the maximum impacts are disclosed in the DEIS, changes in this FEIS related to this issue are not warranted. Also note that the White Pine Energy Station would not produce gypsum products because the Station would use a dry scrubber system.
- F1-42** These suggestions are not applicable to the White Pine Energy Station. WPEA's coal pulverizers would reduce the coal to a powder consistency prior to combustion to maximize combustion efficiency. Because WPEA would use dry scrubbers, a marketable gypsum stream would not be produced.
- F1-43** There would be no reason to sample and analyze the coal combustion products (CCPs) until such time as potential customers for the products are identified. Therefore, a sampling plan would not be required.
- F1-44** WPEA has an obvious financial incentive to identify potential end-users of CCPs. It is outside the scope of this FEIS to include marketing and research plan requirements.
- F1-45** The potential effects of electromagnetic fields (EMF) from a wide variety of sources, including high voltage transmission lines, have been extensively studied over the last 30 years. These include studies by the U.S. Department of Energy, American Medical Association, American Cancer Society, National Institutes of Environmental Health Sciences, and the Electric Power Research Institute. The general conclusion of these studies is that there is insufficient evidence to conclude that EMF from transmission lines causes human health effects. It is also noteworthy that no federal or state standards exist regarding health effects from EMF. The state of Nevada does not have standards or guidelines for transmission line fields.

As for effects on environmental resources and impact analysis reporting, the Nuclear Regulatory Commission has indicated in their environmental reporting requirements (NUREG 1555, ESRP 5.6.1- Effects on terrestrial ecosystems from operation and maintenance of transmission systems, dated October 1999) that no analysis of EMF is needed for electric transmission lines energized at 765 kV or less. This is because the results of numerous scientific studies have found no discernable effects on terrestrial ecosystems at those voltages. The transmission lines proposed for the White Pine Energy Station would be energized at 500 kV.

In light of these well-established findings, EMF impacts are not expected from the Station and were not included in the DEIS. It should be pointed out that the transmission lines will be designed, constructed, and operated to comply with the National Electric Safety Code, which does address induced currents.

Implementation of Adaptive Management Techniques for Mitigation Measures

Adaptive management is an iterative process that requires selecting and implementing management actions, monitoring, comparing results with management and project objectives, and using feedback to make future management decisions. The process recognizes the importance of continually improving management techniques through flexibility and adaptation instead of adhering rigidly to a standard set of management actions. Although adaptive management is not a new concept, it may be relatively new in its application to specific projects. As stated in a recent CEQ report, *Modernizing NEPA*, the effectiveness of adaptive management monitoring depends on a variety of factors including:

- a) The ability to establish clear monitoring objectives;
- b) Agreement on the impact thresholds being monitored;
- c) The existence of a baseline or the ability to develop a baseline for the resources being monitored.
- d) The ability to see the effects within an appropriate time frame after the action is taken;
- e) The technical capabilities of the procedures and equipment used to identify and measure changes in the affected resources and the ability to analyze the changes;
- f) The resources needed to perform the monitoring and respond to the results.

Recommendation:

F1-46

EPA recommends that BLM/WPEA consider adopting a formal adaptive management plan to ensure the success of mitigation measures and to provide management flexibility to incorporate new research and information. Action alternatives would incorporate the principles of adaptive management by using monitoring and evaluation to determine if management actions were achieving objectives and adjusting actions accordingly. EPA recommends that BLM review the specific discussion on Adaptive Management in the NEPA Task Force Report to the Council on Environmental Quality on *Modernizing NEPA*.

Environmental Management System (EMS)

EMS is a management framework that provides a routine annual process for assessing environmental impacts and implementing continuous improvement measures to its environmental policy. Commitment to implement an EMS serves as effective mitigation for impacts resulting from project development and a vehicle for documenting ongoing monitoring of resources.

Recommendation:

F1-47

EPA recommends that BLM/WPEA develop and implement an EMS at the proposed White Pine Energy Station.

F1-46 Chapter 2 (see Section 2.2.7, *Best Management Practices*) and Chapter 4 (see Section 4.4.2, *Proposed Action Mitigation*) have been revised to incorporate an adaptive management planning process for the ground water and springs monitoring program into the implementation and effectiveness monitoring of any mitigation measures ultimately required by the BLM under the Proposed Action or Alternative 1. It is anticipated that adaptive management plans also will be developed to measure the effectiveness on raptors of perch deterrents on electrical transmission lines and the degree of success in reclaiming areas disturbed during project construction. As described by the EPA, "Adaptive management is an iterative process that requires selecting and implementing management actions, monitoring, comparing results with management and project objectives, and using feedback to make future management decisions" rather than "adhering rigidly to a standard set of management actions." The adaptive management plans for the White Pine Energy Station will be developed as part of the formal Plan of Development (sometimes referred to as a Construction, Operation, and Maintenance Plan) that the BLM will require prior to issuing rights-of-way. The a Construction, Operation, and Maintenance Plan will include monitoring and mitigation commitments that will be incorporated into the adaptive management plans. The adaptive management plans will describe the following:

- Implementation and effectiveness of monitoring programs
- How and when data will be reported
- What data trigger points or goals have been set
- What processes and actions will be taken if trigger points are reached
- How success will be determined and when goals are reached

F1-47 WPEA may elect to implement an Environmental Management System (EMS) at the White Pine Energy Station because continuous environmental improvement is consistent with WPEA's objectives. However, the specifics of an EMS would be predicated on an operating history at the facility, and, therefore, are beyond the scope of this FEIS.

Comment Letter F1

For more information on the EMS program and partnership opportunities, please contact Larry Woods (415 972-3857) in the EPA Region 9 Communities and Ecosystems Division, Environmental Stewardship Team.

Miscellaneous Comments

The DEIS provides minimal description of the major power island components and air pollution control equipment and includes only one diagram of the schematics associated with the production process (fig. 2-4). The DEIS states that an alternative power plant cooling technology was considered but eliminated from detailed analysis because of potential impacts to ground water (pg. ES-7). It is difficult to evaluate whether or not the latest control technology is being utilized in the White Pine Energy Station due to the lack of detail in the DEIS.

Recommendation:

F1-48 | EPA recommends that the FEIS include additional detail and diagrams of the air pollution control equipment, cooling towers, and other major components.

The DEIS states that natural draft cooling towers will be used (pg. 2-7). In the original Proposed Action, conventional mechanical draft wet cooling towers were proposed with a total water usage of up to 25,000 acre-feet. WPEA modified the alternatives to include three generating units and a hybrid cooling system with a maximum water usage of up to 5,000 acre-feet annually, resulting in water usage reduction of approximately 80 percent (pg. 2-92).

Recommendation:

F1-49 | The FEIS should describe the hybrid cooling system in greater detail; clarify whether it is a dry cooling or a hybrid system; and describe whether the cooling water will be re-circulated in the plant.

Ambient air quality data for sulfur dioxide and nitrogen dioxide have been collected (pg. 3-113). Concentrations of sulfur dioxide and nitrogen dioxide are given in units of micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) and then compared to the NAAQS, which are given in units of parts per million (ppm).

Recommendation:

F1-50 | The FEIS should include conversions for these units, so that the reader can compare the actual values with the NAAQS.

- F1-48** Additional detail has been added to Chapter 2, Section 2.2.3.1.1, *Power Island*, of this FEIS on the air pollution control equipment, cooling towers, and other major components. Figure 2-4 in this FEIS has been expanded to include Figures 2-4a, 2-4b, 2-4c, and 2-4d showing a schematic of the production process and multiple diagrams of the major facility systems, including boiler emission controls, coal handling systems, and the hybrid cooling system.
- F1-49** The proposed Station cooling system is a hybrid system that would normally operate as a dry system. Water would be recirculated inside the plant to the maximum degree practicable. Water that could no longer be reused would be discharged to the facility's three-cell, double-lined evaporation pond. Additional detail has been added in this FEIS to Section 2.2.3.1.1, *Power Island*, under the heading *Cooling Towers* describing the hybrid cooling system and use of cooling water.
- F1-50** Ambient concentrations of sulfur dioxide and nitrogen dioxide on the referenced pages of Chapter 3 in the DEIS have been converted to units in this FEIS that facilitate comparison to National Ambient Air Quality Standards (NAAQS) values.



United States Department of the Interior

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Bureau of Land Management

JUN 19 2007

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JUN 18, 2007

Ely, NV File No. BLM 7-14

Memorandum

To: Field Manager, Ely Field Office, Bureau of Land Management, Ely, Nevada
(Attn: Jeffrey Weeks)

From: Field Supervisor, Nevada Fish and Wildlife Office, Reno, Nevada

Subject: Comments on Draft Environmental Impact Statement for the White Pine Energy Station Project (DES 07-19)

The Fish and Wildlife Service (Service) has reviewed the Bureau of Land Management's (BLM) Draft Environmental Impact Statement (DEIS) for the proposed White Pine Energy Station Project. The proposed action is to construct and operate an approximately 1,590-Megawatt coal-fired electrical power generation plant using hybrid cooling systems with an expected commercial life of 40 years or longer on a site in the Steptoe Valley of White Pine County about 34 miles north of Ely, Nevada. Other proposed actions include rights-of-way to be granted over federal public lands for the power plant, electrical transmission lines, substations and switchyards, access roads, well fields for ground water withdrawal, mineral materials sale areas, and a rail spur for coal delivery. The 1,281 acre plant site would subsequently be sold to the project proponents. We have the following comments on the DEIS.

F2-1 Monte Neva paintbrush. As noted in our letter, dated July 19, 2004, included in Appendix D of the DEIS, we are particularly concerned about the potential impacts of this project on the Monte Neva paintbrush (*Castilleja salsuginosa*), a species fully protected under Nevada Revised Statute 527. Contrary to the statement in the DEIS on page 3-96 that there are 10 occurrences of this species, the Monte Neva paintbrush has only been documented to occur at its type locality at Monte Neva Hot Springs where it is restricted to what has been described as highly saturated soil. The taxonomic status of a second reported population in Eureka County is unclear. The Monte Neva Hot Springs site is located about 3 miles from the proposed project and the nearest of the eight proposed ground water withdrawal wells. The general model used in the DEIS shows a potential drawdown of up to 2 feet in local ground water level within about a mile of the Monte Neva site over the life of the power plant, and the DEIS notes that this drawdown is likely to be exacerbated by the cumulative effects of other proposed projects in the area. Yet the

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F2-1 The Monte Neva paintbrush was not included in the Biological Assessment (BA) because it is not a federally listed, Proposed, or Candidate species for listing under the Endangered Species Act (ESA). According to the Section 7 handbook Appendix C-H [1] A biological assessment is information prepared by the Service to determine whether a proposed Service action is likely to: (1) adversely affect listed species or designated critical habitat; (2) jeopardize the continued existence of species that are proposed for listing or are candidates for listing; or (3) adversely modify proposed critical habitat. [50 CFR §402.02, 50 CFR §402.12]. The Monte Neva paintbrush lost its candidate status in 1996 and at this time has no U.S. Fish and Wildlife Service (FWS)/ESA status in Nevada. This species is fully protected by the state and is a BLM sensitive species. Therefore, it is included in the Special Status Species Section of the DEIS and this FEIS.

The DEIS and this FEIS acknowledge that this species is managed as a candidate species in the state, but it does not have formal federal protection under the ESA.

Using a maximum drawdown scenario in the ground water model indicates that no impacts to Monte Neva Hot Springs would occur as a result of the White Pine Energy Station ground water pumping. Monte Neva Hot Springs are outside the predicted cone of depression from ground water pumping.

In addition to the discussion in the previous text, as reported in Podborny (2007), an FWS specialist visited the Monte Neva Hot Springs area and determined that the Monte Neva paintbrush is supported by shallow ground water resulting from snowmelt during the spring, and is not dependent on ground water flows from the Monte Neva Hot Springs or any other springs. The Monte Neva paintbrush would not be impacted by the proposed project. Section 3.5.4.3.3, *Special Status Plant Species*, and Section 4.5.4.1.3, *Impacts to BLM and State of Nevada Sensitive and Protected Plant Species*, in this FEIS have been modified to reflect these findings.

Field Manager

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conclusion in the DEIS is that the Monte Neva paintbrush "would not be affected by the Station." No analysis or support for this conclusion is provided. We recommend that the final EIS include a detailed analysis of the potential impacts to this species taking into consideration the scale and accuracy of the model, as well as any uncertainties about the interrelationship between the proposed ground water withdrawal and the outflow of Monte Neva Hot Springs itself. The Service and the State of Nevada have a long-standing cooperative effort with the private landowner of this property to ensure that the species is conserved. We believe that this project may affect the long-term viability of the Monte Neva paintbrush and further recommend that the ground water monitoring program in Appendix I of the DEIS be modified to incorporate monitoring of the ground water on which this species depends. By virtue of its State status, under BLM policy the Monte Neva paintbrush is to be provided with the same level of protection as a federal candidate species which is "to ensure that actions authorized, funded, or carried out do not contribute to the need for the species to become listed." Given that only a single population of several thousand individuals is known to exist, we believe that any effects would be adverse and contribute to a need to list the species. Therefore, we request that the Monte Neva paintbrush be addressed in the biological assessment prepared for the consultation under Section 7 consultation of the Endangered Species Act, should this project be approved.

F2-2 | Wildlife Habitat Mitigation. We consider the proposed mitigation for temporary and permanent loss of wildlife habitat to be inadequate. According to Table 4.5.1 on page 4-33 of the DEIS, the proposed action will result in the permanent loss of 1,534 acres of wildlife habitat and an additional temporary loss of 378 acres of wildlife habitat. The proposed mitigation for these habitat losses is approximately 750 acres of habitat enhancement, or less than one-half of the permanent habitat loss. The DEIS states that no additional mitigation measures are anticipated to be necessary because of the implementation of Best Management Practices (BMPs) contained in Appendix A. The BMPs, however, do not include any actions that would offset the loss of wildlife habitat. Mitigation ratios are typically greater than 1:1 due to the time required for habitat restoration. In this case, the mitigation appears to be based more on a predetermined amount of money to be contributed to a restoration fund, rather than on the actual impacts of the proposed action.

F2-3 | Special Status Plant Mitigation. In the Affected Environment section, on page 3-95, the DEIS states that no special status plant surveys were conducted, but that rare plant surveys would be conducted prior to construction in suitable habitats. This commitment to rare plant surveys is not, however, repeated in the mitigation discussion in section 4.5.4.1.4 on page 4-81. Such commitment should be clearly stated in this latter section and a further basic commitment should be made to avoidance, minimization, and compensatory mitigation if adverse impacts are unavoidable. The intent of the BLM policy under Manual 6840 is to ensure that special status plants are managed so that federal listing does not become necessary. The special status plants most likely to be encountered are quite rare and several are already listed as critically endangered by the State of Nevada. The Mitigation section refers to the mitigation measures for wildlife and fisheries discussed under section 4.5.3 as "covering the range of potential effects on all biological resources" but it is unclear how the primary mitigation measure (a 750- acre habitat

- F2-2** Establishment and proponent/applicant funding of a habitat mitigation fund is suggested in Section 4.5.3.1.3, *Mitigation*, of this FEIS under the discussion of wildlife and fisheries resources to help offset the temporary and permanent losses of wildlife habitat. Instruction Memorandum No. 2005-069 outlines BLM interim policy for use of compensatory mitigation for authorizations issued in the oil, gas, geothermal, and energy right-of-way programs. BLM approaches compensatory mitigation on an "as appropriate" basis where it can be performed onsite and on a voluntary basis where it is performed offsite.
- F2-3** The following text was added to Section 4.5.3.1.3, *Mitigation*, and Appendix C, *Best Management Practices*, of this FEIS: "Surveys for sensitive plant species will be conducted prior to construction. If sensitive plant species are found prior to construction, mitigation for these species will be determined by the BLM and WPEA."

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enhancement project on a former range seeding) would compensate for any impacts to special status plants. Although BMPs included in Appendix A are referenced, no specific measures to conserve special status plants are included, other than the legal requirement to consult with the Service on listed or candidate species. Since only one of the plants requires consultation under Section 7 of the Endangered Species Act, the absence of any mitigation measures for the other plants virtually ensures a trend toward federal listing would result from direct impacts to many of these species.

F2-4 | Insects. In the Affected Environment discussion on page 3-92 of the DEIS five species of butterflies with known occurrences and/or potential habitat are identified within the project area. All of these butterflies are reported to be endemic to the Great Basin and considered to be high conservation priority for the BLM. The potential for adverse effects under the proposed action to these species is given as unknown in Table 4.5-4 on page 4-30 of the DEIS. No analysis is provided in the text of the DEIS, nor is there any discussion of whether surveys will be conducted and/or what conservation and mitigation actions will be implemented should the project adversely affect these species or their habitats. None of the five mitigation measures provided on page 4-60 of the DEIS would contribute to the conservation of these species, nor do any of the BMPs provided in Appendix A address specific conservation actions to conserve these species. The DEIS should include a specific commitment to surveys for all of these species, as well as avoidance, minimization, and mitigation measures to be implemented that reflect the high priority that the BLM places on their conservation.

F2-5 | Air Quality. The DEIS states that minimal air quality impacts would occur during Station construction. The primary issue would be fugitive dust, which would be controlled by water spray on disturbed areas. Emissions during Station operations would meet Prevention of Significant Deterioration (PSD) permit requirements, including a modeled demonstration that all "Class II area" ambient impacts would be within applicable ambient air quality standards and that PSD increment (a measure of change in air quality) would not be exceeded. Although not managed to a Class I standard by the State of Nevada under its' respective attainment area, Ruby Lake National Wildlife Refuge (NWR) is one of the most important waterfowl nesting areas in the Great Basin and Intermountain West and is considered highly pristine. Because of the biological diversity and pristine condition of the habitat, the South Marsh, which is the largest wetland unit on the NWR, was designated a National Natural Landmark in 1972 by the National Park Service. We are concerned that the dispersion modeling mentioned in the DEIS shows that acid deposition and visibility criteria may be exceeded at Ruby Lake NWR if it was managed to a Class I standard. It is generally acknowledged that industrially derived acid deposition can lead to major soil chemical changes. It has also been suggested that an increase in trace metal mobilization may accompany these changes which in turn could lead to phytotoxic conditions in the soil and contamination in aquatic systems (Fuller et al. 1976; Tyler 1978; Bergkvist 1987; Carlson and Ragsdale 1988). Acid deposition, even if determined to meet PSD requirements, may present chronic long-term challenges to successfully managing Ruby Lake NWR as a pristine wetland area.

F2-4 The best existing data available were used in the analysis reported in the DEIS. The Nevada Natural Heritage Program (NNHP) and BLM data were reviewed to obtain information on insect species of concern that may occur in the project area. The NNHP provided all sensitive species records available (in GIS format) for the project area. A literature search was conducted after receiving this information. Little information was available for these species of concern. Additional contact was made with the NNHP in 2006 to obtain literature references, but no additional information was available. After a review of the best existing data available, the BLM has determined that additional surveys for sensitive insect species are not required. The reduction of project-related ground water pumping annually from 25,000 acre-feet as initially proposed to 5,000 acre-feet as currently proposed, implementation of a ground water monitoring and mitigation program (see Appendix G of this FEIS) designed to avoid impacts to springs and their associated biota such as insects, plus selection of a Duck Creek crossing alternative that minimizes impacts to this riparian area all serve to effectively avoid or minimize impacts to sensitive species, including insects.

F2-5 Because the FWS raised a concern with a specific area (the Ruby Lake South Marsh), a site-specific screening analysis was conducted to evaluate the effects of acid deposition on that area. This analysis is documented in the cumulative impact analysis discussions in Section 4.19.3.6.1, *Air Quality*, in this FEIS.

The analysis shows that the predicted sulfur and nitrogen deposition levels resulting from the proposed White Pine Energy Station and reasonably expected future actions are not expected to have any adverse effects on aquatic ecosystems at the Ruby Lake area.

While the FWS briefly mentions trace metal mobilization as a concern, this phenomenon is not expected to occur because the White Pine Energy Station is not anticipated to contribute appreciably to the acidity of precipitation in the area. Based on the modeled wet deposition values for Ruby Lake in Table 4.6-30 of the DEIS and this FEIS and EPA's monitored wet deposition values representative of the area, wet deposition of nitrogen at Ruby Lake would be expected to increase by less than 0.2 percent, and wet deposition of sulfur would be expected to increase by less than 2 percent. These increases are within the year-to-year variability reflected in EPA's monitoring data for the area and are below the levels shown to contribute to trace metal mobilization in the studies cited by the FWS. Therefore, trace metal mobilization effects would not be expected.

Regarding the predicted visibility changes at Ruby Lake, the data in Table 4.6-26 of the DEIS and this FEIS show that for the maximum of the 3 modeled years, there would be no perceptible change for 97 days out of 100 and a "small but perceptible" change for 1 day in 100 (maximum predicted impacts are 11 days greater than 5 percent and 4 days greater than 10 percent for the year with highest impacts). It is noted that emissions from the White Pine Energy Station would not cause or contribute to a violation of the NAAQS (see Table 4.6-6 of the DEIS and this FEIS), which were set in part to protect against decreased visibility and damage to animals, crops, and vegetation. Thus, the Station would be in compliance with all applicable standards set to protect against decreased visibility, and no mitigation measures are proposed.

Appendix L, *Cumulative Analysis for Air Quality*, in this FEIS provides additional information on the Cumulative Analysis for Air Quality. Additional text discussing air quality effects also has been added to Section 4.6.1.3.6, *PSD Class II Cumulative Impact Analysis*, in this FEIS.

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F2-6 Water Quality. We consider the analysis of the potential for surface water quality degradation provided in the DEIS as inadequate. The analysis only focuses on direct impacts from sedimentation/erosion during Station construction and operation activities only within the project area and how best management practices can minimize those effects. As previously mentioned under our air quality concerns, acid rain deposition may impact areas outside of the Project Area, including Ruby Lake NWR. High-elevation ecosystems are relatively sensitive to changes in the flux of energy, chemicals, and water compared to downstream ecosystems, because of extensive areas of exposed and unreactive bedrock, rapid hydrologic flushes during snowmelt, sparse vegetation and thin soils, and short growing seasons. Hence, small changes in atmospheric deposition have the potential to result in significant changes in ecosystem dynamics and water quality. As such, an analysis of the potential degradation of water quality in areas of environmental concern outside of the Project Area (e.g., Great Basin National Park and Ruby Lake NWR) needs to be considered in the DEIS. In addition, potential mitigation measures need to be identified for these areas should analyses result in significant impacts to water quality.

F2-7 The information on water quality within the affected environment in the DEIS is also inadequate. Releases of contaminants from the tailings area near the McGill Tailings Reclamation Area to surface water have occurred in the past. A flash flood in 1975 resulted in a tailings release to Tailings Creek which caused a fish kill estimated to involve 10,000-13,000 trout (Ecology and Environment, Inc. 1990). Surface water samples from Bassett Lake contained the following concentrations of metals: in 1985 - copper 20 µg/L, iron 150 µg/L, and zinc 10 µg/L; in 1988 - cadmium < 5 µg/L, copper 10 µg/L, iron 70 µg/L, lead < 5 µg/L, nickel 20 µg/L, and zinc < 10 µg/L; in 1990 - chromium 50 µg/L, copper 20 µg/L, iron 90 µg/L, lead < 5 µg/L, nickel 20 µg/L, and zinc 20 µg/L (Ecology and Environment, Inc. 1990). In 1986, Nevada Department of Wildlife (NDOW) analyzed water, sediment, and fish from Bassett Lake (Ecology and Environment, Inc. 1990). The following results were reported for water: arsenic < 3 µg/L, copper 10 µg/L, iron 90 µg/L, mercury < 0.5 µg/L, and zinc not detected (detection limit unknown). They also found 8.6 µg/g arsenic, 2,226 µg/g copper, and < 0.25 µg/g mercury in sediment, as well as 0.04 µg/g mercury in fish.

F2-8 Ground Water. Under the Proposed Action, pumping ground water from basin-fill aquifers in Steptoe Valley could result in localized ground water level declines between 2 and 6 feet in the vicinity of several nearby springs on the floor of Steptoe Valley. Potentially reduced flows and water levels at 12 areas where springs are present near the proposed power plant site from ground water pumping may adversely affect the Northern Steptoe springsnail (*Pyrgulopsis serrata*) and other species associated with spring environments. The BLM is a signatory agency to a 1998 multi-party Memorandum of Understanding (MOU) concerning the cooperative effort to conserve springsnails and their habitats in the Great Basin. We recommend BLM and White Pine Energy Associates coordinate mitigation measures directly with the Service and NDOW to protect this important habitat with the partners and efforts underway as part of the MOU.

Other Comments. The discussion of "Special Status Plant Species" section beginning on page 3-94 and including Table 3.5-8 demonstrates a poor understanding of the regulatory framework

- F2-6** Acid deposition evaluations for Great Basin National Park and Ruby Lake National Wildlife Refuge are included in Sections 4.6.1.3.8, *Class I Area Dispersion Modeling Results* (see Tables 4.6-26 through 4.6-31), and 4.19.3.6.1, *Air Quality*, in this FEIS. Additional information on the Cumulative Analysis for Air Quality is presented in Appendix L in this FEIS. These evaluations show that acid deposition levels resulting from the proposed White Pine Energy Station, existing facilities, and reasonably expected future actions are not expected to have any adverse effects on aquatic or terrestrial ecosystems at either Great Basin National Park or Ruby Lake National Wildlife Refuge. Because no adverse effects are expected, no mitigation measures are proposed.
- F2-7** The information presented by the commenter regarding Tailings Creek is approximately 18 years old. Efforts to stabilize and minimize the adverse environmental effects of the former Kennecott Copper Smelter tailings over the past 17 years have been substantial and ongoing. There is no reason to believe the referenced data reflect current or future water quality conditions in Duck Creek. Further, this FEIS states that there is a only minimal potential for impacts to Duck Creek water quality as a result of the Proposed Action or Alternative 1. Therefore, the referenced data for Tailings Creek have not been added to this FEIS.
- F2-8** Although the 1998 multi-party Memorandum of Understanding regarding springsnails has since expired, a mitigation commitment has been added to Section 4.5.3.1.3, *Mitigation*, and Section 4.20, *Summary of Mitigation Measures*, in this FEIS that includes monitoring and implementing potential mitigation measures associated with sensitive aquatic resources in springs located near Station ground water production wells. Appendix G, *Ground Water Monitoring Program*, in this FEIS provides detail on this monitoring and mitigation program.

Comment Letter F2

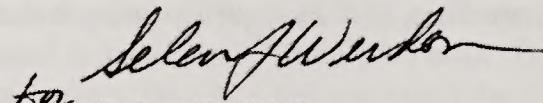
Field Manager

File No. BLM 7-14

F2-9

intended to further the conservation of these species. Under the 2003 list issued by the Nevada State Director of the BLM, only those species that are federally listed, proposed, or candidate species, or are listed by the State of Nevada are designated Special Status Species. This includes only the federally threatened Ute's ladies tresses (*Spiranthes diluvialis*), and the State-listed Monte Neva paintbrush and the Sunnyside green gentian (*Frasera gypsicola*); the table incorrectly shows the Snake Range whitlow cress (*Draba oreibata* var. *serpentina*) as being listed by the State. As noted previously, BLM policy is to provide all Special Status Species with the same level of protection as a federal candidate species. All other species on the BLM list are designated as sensitive species and their management requirements are less specific. Moreover, as our July 19, 2004 letter notes, the Service has discontinued the use of the "Species of Concern" designation. Other than the Ute's ladies tresses, the plant species in Table 3.5-8 currently have no Service status. Please correct the terminology in the text and the table.

We appreciate the opportunity to review and comment on the DEIS for the White Pine Energy Station Project. If you have any questions, please contact me or Steve Caicco at (775) 861-6300.


for Robert D. Williams

cc:

Program Lead: Fish, Wildlife, and T&E, Nevada State Office, Bureau of Land Management,
Reno, Nevada
Assistant Field Supervisor, Southern Nevada Fish and Wildlife Office, U.S. Fish and Wildlife
Service, Las Vegas, Nevada
Project Leader, Ruby Lake National Wildlife Refuge, Nevada
Manager, Environmental Review Office, Region 9, Environmental Protection Agency,
San Francisco, California
Resource Management Officer, Nevada Division of Forestry, Carson City, Nevada
Nevada Natural Heritage Program, Carson City, Nevada

F2-9 Table 3.5-8 in this FEIS has been revised.

References

- Bergkvist, B. 1987. Leaching of metals from spruce forest soils as influenced by experimental acidification. *Water Air Soil Pollut.* 33: 131-154.
- Carlson, C.L., and H.L. Ragsdale. 1988. Effects of simulated acid precipitation on Cd- and Zn-amended soil and soil-pine systems. *Water Air Soil Pollut.* 42: 329-339.
- Ecology and Environment, Inc. 1990. CERCLA screening site inspection. Kennecott Mineral Company-Reduction Plant. Report to EPA Region IX.
- Fuller, W.H., N.E. Korte, E.E. Niebla and B.A. Alesh. 1976. Contribution of the soil to the migration of certain common and trace elements. *Soil Sci.* 122: 223-235.
- Tyler, G. 1978. Leaching rates of heavy metal ions in forest soils. *Water Air Soil Pollut.* 15: 353-369.

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.



IN REPLY REFER TO:

United States Department of the Interior
NATIONAL PARK SERVICE

Air Resources Division

P.O. Box 25287

Denver, CO 80225



June 8, 2007

N3615 (2350)

Jeffrey A. Weeks
Bureau of Land Management
Ely Field Office
HC 33 Box 33500
Ely, Nevada 89301-9408

Dear Mr. Weeks:

Thank you for providing us a copy of the Draft Environmental Impact Statement (DEIS) for the White Pine Energy Station Project. The proposed project would be located approximately 100 km northwest of Great Basin National Park (NP) and 300 km northwest of Zion NP. Because the air resources of both of these areas could be impacted by emissions from the White Pine Energy project, we are providing the enclosed comments for your consideration. Please note that these are essentially the same comments that we have provided previously to the Nevada Division of Environmental Protection regarding the Prevention of Significant Deterioration permit application for the project. We believe these comments are also relevant with respect to the White Pine Energy DEIS.

If you have any questions regarding our comments, please feel free to contact me at (303) 969-2818.

Sincerely,

John Bunyak

Chief, Policy, Planning and Permit Review Branch

Enclosures

No comments on the White Pine Energy Station DEIS were delineated for the letter shown on the facing page.

National Park Service
Additional Comments on the White Pine Energy Associates Power Plant
June 8, 2007

Introduction

The proposed White Pine Energy Associates, L.L.C. (WPEA) project would be located in White Pine County, Nevada. The facility will consist of three new 530 MW Pulverized Coal (PC) boilers near Ely, 100 km northwest of Great Basin National Park (NP), a Class II air quality area managed by the National Park Service (NPS), and 300 km northwest of Zion NP, a Class I air quality area managed by the NPS. The WPEA facility will be a major source of sulfur dioxide ($\text{SO}_2 = 6,071$ tons per year (TPY)), nitrogen oxide ($\text{NO}_x = 4,814$ TPY), particulate matter ($\text{PM}_{10} = 2,687$ TPY), and sulfuric acid mist ($\text{H}_2\text{SO}_4 = 233$ TPY).

Although NPS received application materials from WPEA in February of 2006, those materials did not contain any information on impacts on visibility at Zion NP. In fact, it was not until late December of 2006 that we received the modeling results for Zion NP, and those results showed that WPEA could have a significant impact on PSD increment and visibility at that federal Class I area. We advised the Nevada Division of Environmental Protection (NDEP) of this problem in our January 31 comments, as well as our concerns that NDEP did not follow proper procedures regarding publication of its Public Notice of the WPEA application. While the extension of the public comment period to March 8 somewhat alleviates our concern about the lack of adequate time to review all relevant information, we must again note that NDEP has not provided in its Notices to the public the degree of increment consumption in each affected Class II and Class I area, and it failed to properly advise the public of the impacts in each of these sensitive areas.

Best Available Control Technology (BACT) Analysis

We continue to believe the proposed emissions from the WPEA facility would seriously impact resources at Great Basin NP (see discussion below), and that it is important that impacts at Great Basin NP be lessened. If WPEA chooses to locate near a national park, it should assume a burden of protecting the resources in that park from the effects of its operation.

Clean Coal Technologies—Integrated Gasification Combined Cycle (IGCC)

As noted by WPEA in its January 2006 application, "IGCC technology is still developing." In fact, it is developing so rapidly that WPEA's analysis of its feasibility was outdated when it was submitted.¹ The IGCC process has now been demonstrated by Tampa (FL) Electric at its Polk Generating Station to be clean, reliable, and economical.² With the problems of reliability addressed by operating experience and inclusion of redundant equipment, and with major vendors providing complete, integrated systems, reliability should continue to improve. It is unlikely that such major utilities as American Electric Power, Southern Company, and Xcel

¹ Sources cited by WPEA were typically in the 2002 – 2004 period.

² At a recent workshop in Denver on clean coal technology, a representative of Tampa Electric related that the Polk IGCC is now its most reliable unit in its system and is dispatched first because it is also the most economical.

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

- F21 A summary of the comments received on the DEIS is provided in the following table. The comments are organized by topic and are listed in chronological order. The table also indicates the date the comment was received and the date it was responded to. The table is organized by topic and is listed in chronological order. The table also indicates the date the comment was received and the date it was responded to.
- F22 The comments received on the DEIS are organized by topic and are listed in chronological order. The table also indicates the date the comment was received and the date it was responded to.

Comments on the DEIS

The comments received on the DEIS are organized by topic and are listed in chronological order. The table also indicates the date the comment was received and the date it was responded to.

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Energy³ would embrace IGCC if it were as risky a proposition as portrayed by WPEA. While IGCC is currently 10% to 20% more expensive to build than an equivalent PC facility, energy industry experts contend that that cost disadvantage will be partially or entirely offset when national legislation requires carbon dioxide (CO₂) capture and sequestration. And, in addition to the advantages in capturing CO₂, a well-controlled IGCC facility promises to emit far less of the conventional pollutants (SO₂, NO_x, PM₁₀) than conventional PC units, as well as facilitating mercury capture and using far less water.

F3-1 Considering that facilities such as WPEA will likely be operating for the next 60 years or more, we believe it is time for new power generators to take a serious look at the future "Clean Coal Technologies" being promoted by our administration as it seeks to relieve our dependence upon foreign energy sources while protecting our environment. IGCC is a leading candidate for that role, and should be re-considered and re-evaluated by WPEA.

Conventional PC Boiler BACT

F3-2 SO₂: WPEA has tried to justify its choice of dry scrubbing because it is concerned about water consumption. While we agree that water consumption is a legitimate concern, we also note that local authorities have reserved 25,000 acre-feet of water for use by power generation facilities. Since WPEA would use 20% of this allotment, it is unlikely that addition of a wet scrubber would increase water consumption to the point that it would inhibit future growth in the area. Therefore, we ask that NDEP reconsider high-efficient wet scrubbers as BACT for the WPEA project.

Applicant's Air Quality/ Air Quality Related Values (AQRV) Modeling Analysis Methodology

F3-3 *Single Source Analysis:* We now understand that the draft permit limit of 198.3 lb/hr of total (filterable + condensable) PM₁₀ supersedes the 0.13 lb/mmBtu limit. However, a literal interpretation of Table 2-2 in Appendix 8A of WPEA's December 2006 Class I modeling report indicates that WPEA modeled only 38 lb/hr of PM₁₀. Since it is more likely that WPEA modeled the sum of the various particulate species shown in that table, that should be clarified.

The draft permit provides BACT emission limits during startups and shutdowns⁴ in terms of lb/mmBtu over a 24-hour averaging period.⁵ Since the draft permit does not limit heat input during startup or shutdown while burning only coal, the allowable emission rates during startup must be determined based on the maximum allowable heat input for each boiler, which is 5,216 mmBtu/hr. The table below shows the limits during startup and shutdown and compares the 24-hour average emission rate for pollutants modeled by WPEA in its Class I increment modeling analysis to the startup emissions allowed under the permit:

³ Our Air Resources Division office in Denver is currently reviewing six proposed IGCC facilities: AEP (WV), Cash Creek (KY), Excelsior Energy (MN), PMEC (WA), Southern (Orlando, FL), and Steelhead (IL)

⁴ WPEA estimates that there could be 16 startup/shutdown cycles per unit per year.

⁵ See, e.g., Section V.A.2.b. of draft WPEA permit.

F3-1 Detailed evaluations of Integrated Gasification Combined Cycle (IGCC) technology are included in this FEIS document (see FEIS Section 2.5.1.4.3, *Integrated Gasification Combined Cycle* and Appendix H). Based on the information presented in this FEIS, IGCC technology is not currently considered commercially proven or reliable and is therefore not considered a reasonable alternative for the proposed project.

Out of the six IGCC projects mentioned in the commenter's footnote 3, three have been canceled (Southern, Steelhead, and PMEC) and the remaining three are still uncertain (either waiting for permits, other requisite approvals, or financing).

It should also be noted that IGCC is not synonymous with carbon capture and sequestration (CCS) technology. The existing Polk Power Station does not use CCS technology, and most currently proposed IGCC facilities do not plan to incorporate IGCC.

Because both IGCC and CCS are developing technologies that are not considered commercially available or, in the case of CCS, technically feasible at this time, neither IGCC nor CCS is considered a reasonable alternative for the proposed project.

F3-2 A summary of the control technology evaluation process can be found in Section 2.5.4, *Alternative Air Pollution Control Technologies*, in this FEIS. A complete listing of the factors that eliminated wet scrubbing in favor of dry scrubbing is found in Appendix D, *Evaluation of Alternative Control Strategies*, in this FEIS. The final decision on the BACT for the project will be made by the Nevada Division of Environmental Protection-Bureau of Air Pollution Control (NDEP-BAPC).

F3-3 The various modeled particulate species are listed in Table 4.6-10 of the DEIS and this FEIS.

Species	Unit	Concentration
PM ₁₀	µg/m ³	0.0001
PM _{2.5}	µg/m ³	0.0001
SO ₂	ppb	0.0001
NO _x	ppb	0.0001
CO	ppm	0.0001
H ₂	ppm	0.0001
CH ₄	ppm	0.0001
HC	ppm	0.0001
HF	ppm	0.0001
HF ₂	ppm	0.0001
HF ₃	ppm	0.0001
HF ₄	ppm	0.0001
HF ₅	ppm	0.0001
HF ₆	ppm	0.0001
HF ₇	ppm	0.0001
HF ₈	ppm	0.0001
HF ₉	ppm	0.0001
HF ₁₀	ppm	0.0001
HF ₁₁	ppm	0.0001
HF ₁₂	ppm	0.0001
HF ₁₃	ppm	0.0001
HF ₁₄	ppm	0.0001
HF ₁₅	ppm	0.0001
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HF ₂₀	ppm	0.0001
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HF ₄₈	ppm	0.0001
HF ₄₉	ppm	0.0001
HF ₅₀	ppm	0.0001
HF ₅₁	ppm	0.0001
HF ₅₂	ppm	0.0001
HF ₅₃	ppm	0.0001
HF ₅₄	ppm	0.0001
HF ₅₅	ppm	0.0001
HF ₅₆	ppm	0.0001
HF ₅₇	ppm	0.0001
HF ₅₈	ppm	0.0001
HF ₅₉	ppm	0.0001
HF ₆₀	ppm	0.0001
HF ₆₁	ppm	0.0001
HF ₆₂	ppm	0.0001
HF ₆₃	ppm	0.0001
HF ₆₄	ppm	0.0001
HF ₆₅	ppm	0.0001
HF ₆₆	ppm	0.0001
HF ₆₇	ppm	0.0001
HF ₆₈	ppm	0.0001
HF ₆₉	ppm	0.0001
HF ₇₀	ppm	0.0001
HF ₇₁	ppm	0.0001
HF ₇₂	ppm	0.0001
HF ₇₃	ppm	0.0001
HF ₇₄	ppm	0.0001
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HF ₇₇	ppm	0.0001
HF ₇₈	ppm	0.0001
HF ₇₉	ppm	0.0001
HF ₈₀	ppm	0.0001
HF ₈₁	ppm	0.0001
HF ₈₂	ppm	0.0001
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HF ₉₀	ppm	0.0001
HF ₉₁	ppm	0.0001
HF ₉₂	ppm	0.0001
HF ₉₃	ppm	0.0001
HF ₉₄	ppm	0.0001
HF ₉₅	ppm	0.0001
HF ₉₆	ppm	0.0001
HF ₉₇	ppm	0.0001
HF ₉₈	ppm	0.0001
HF ₉₉	ppm	0.0001
HF ₁₀₀	ppm	0.0001

	Allowable Emission Rate (lb/mmBtu, 24-hour average)	Allowable Emission Rate (lb/hr, 24-hour average)	Emission Rate Modeled in Class I Analysis, (lb/hr)
SO ₂	1.2	18,777.6	1,386.0
NO _x	0.45	7,041.6	1,095.0
H ₂ SO ₄	0.05	782	54

F3-4 Because the PSD regulations do not allow increment violations due to startup, shutdown, or malfunction, and because these limits are so much higher than the corresponding limits for normal operation, WPEA must demonstrate that no PSD increment will be violated during these occurrences.

F3-5 Although WPEA did model impacts of startup and shutdown emissions on Class II National Ambient Air Quality Standards and Class II PSD Increments, it did not do so for the Class I areas. We believe that WPEA must conduct similar analyses for Zion National Park, and, in addition, evaluate the impact of these periods of exceptionally high emissions on visibility at Zion and Great Basin National Parks.

F3-6 *Cumulative Analysis:* A cumulative analysis of three-hour SO₂ increment consumption at Zion NP was triggered. However, because no explanation was provided as to how the cumulative increment analysis inventory was compiled or from what year(s) it was derived, we can not confirm that it was done correctly. WPEA should provide information on the relevant Minor Source Baseline Dates and how emissions changes were determined relative to those dates.⁶

Air Quality Impact Analysis Results

Visibility

The PSD application reported visibility impact results for the WPEA by itself over the three-year modeling period. Those results are shown in Table 1 below.

Table 1 – Visibility Modeling Results (% change in extinction)

WPEA Project Only	Zion National Park	Great Basin National Park
Maximum Change	10.6%	33.5%
Days over 5%	9	146
Days over 10%	1	57

Although Great Basin is not a Class I area,⁷ NPS policies provide for protection of all areas for which we are responsible. In addition to providing a suitable habitat for the bristlecone pine, the world's oldest living things, Great Basin NP also has some of the best visibility in the 48

⁶ For example, EPA's Clean Air Market Database indicates that 3-hour maximum SO₂ emissions from IPP units #1 and #2 in 2005 were about 1200 and 1400 lb/hr, respectively. On the other hand, WPEA modeled about 400 lb/hr from each of these units.

⁷ Great Basin National Park was established by Congress in 1986. At 77,000 acres, its size far exceeds the 6,000 acres threshold for designation as a Class I area. Had Great basin been a national park at the time of passage of the 1977 Clean Air Act Amendments, it would have been a mandatory Class I area.

- F3-4** White Pine Energy Associates (WPEA) has proposed to NDEP-BAPC definitions of startup and shutdown that would prohibit continuous operation at the maximum allowable heat input under the startup and shutdown emission limits and it is expected that NDEP will implement these definitions in the final Prevention of Significant Deteriorations (PSD) permit. Under the proposed definitions, the 24-hour average emission rates listed in the National Park Service (NPS) table would not be allowed under the final permit. Under the CAA, NDEP is the agency responsible for ensuring that PSD increment violations do not occur. NDEP is required to respond to all comments regarding PSD permitting prior to issuance of the final PSD permit. Should an action alternative be selected, WPEA would be required to obtain and comply with an Operating Permit to Construct from NDEP-BAPC, which would address the applicable air quality requirements associated with construction, including PSD requirements.
- F3-5** This comment was also provided by the NPS to the NDEP-BAPC on the draft PSD air permit for the White Pine Energy Station. EPA's guidelines under the Regional Haze Rule specify the operating conditions that should be evaluated in determining visibility impacts on Class I areas. These guidelines recommend that startup and shutdown emissions not be included in the assessment of Class I area impacts (see 40 CFR Part 51, Appendix Y). Consistent with this guidance, WPEA modeled its maximum emission rates occurring during baseload (normal) operation in the visibility and Class I PSD increment evaluations. Additionally, WPEA's maximum PSD increment impacts at Zion would be small (less than 10 percent) in comparison to applicable PSD increments (see Table 4.6-13 in this FEIS). Should an action alternative be selected, WPEA would be required to obtain and comply with an Operating Permit to Construct from NDEP-BAPC, which would address the applicable air quality requirements associated with construction, including PSD requirements.
- F3-6** New text has been added to Section 4.19.3.6.1, *Air Quality* (see heading *Cumulative PSD Increment Consumption Analysis*), of this FEIS to explain how the PSD Class I cumulative SO₂ increment analysis inventory was compiled. It should be noted that the PSD minor source baseline dates were not used in creating the emission source inventory; rather, emission rates were provided by the relevant air permitting agencies, and all emission units constructed after the January 6, 1975, major source baseline date for SO₂ were considered increment-consuming. NDEP-BAPC is the agency responsible for determining the adequacy of the PSD increment analysis.

contiguous states (see Appendix A). And, since the determination of an adverse impact is the prerogative of the FLM, it can be made regardless of the status of the national park in question. The predicted impacts on visibility at Great Basin fall within the range of previous adverse impact determinations made by the FLM.

Deposition

Status of Aquatic and Terrestrial Ecosystems in Great Basin National Park: Atmospheric deposition of nitrogen and sulfur has the potential to acidify sensitive aquatic ecosystems. Lakes in Great Basin NP were surveyed in 1989 as part of EPA's National Surface Water Survey. All of the lakes in the park were considered acid-sensitive (acid neutralizing capacity, ANC, of less than 200 microequivalents per liter, ueq L⁻¹), according to EPA's classification criteria. The most sensitive lake included in the study was Baker Lake at 3,238 m (10,620 feet), with an ANC of 73 ueq L⁻¹. Increases in nitrogen or sulfur deposition to sensitive lakes or their watersheds could further reduce ANC, increasing the potential for episodic or chronic acidification. Baker Lake has a population of cutthroat trout (*Onchorhynchus clarki*), which could be affected by further loss of ANC.

Both aquatic and terrestrial ecosystems in Great Basin NP may also be sensitive to the enrichment effects of nitrogen deposition. In aquatic ecosystems, excess nitrogen may cause changes in algal species composition and abundance, resulting in changes to food web dynamics. Nitrogen may cause eutrophication, with loss of water clarity and potential loss of dissolved oxygen. In terrestrial ecosystems, excess nitrogen affects soil nutrient cycling and plant community structure and function, reducing biodiversity. Nitrogen often favors invasive plant species, which often are better able to utilize excess nitrogen and out-compete native plants. Nitrogen also increases plant biomass, resulting in greater fuel loadings and fire potential. In certain high-elevation forests, nitrogen decreases the cold hardiness of trees, leading to winter die-offs.

- F3-7 | In order to evaluate potential impacts to visibility and ecosystems, including soils, waters, and vegetation in Great Basin NP, estimates of WPEA's contribution to nitrogen and sulfur deposition at the park are needed. WPEA did not provide these estimates and, therefore, our staff used the modeling output files supplied by the applicant to calculate total wet and dry sulfur and nitrogen deposition. Using 2001 data, our analysis predicted that WPEA would contribute 0.079 kilograms per hectare per year (kg/ha/yr) total sulfur and 0.044 kg/ha/yr total nitrogen at Great Basin NP. For years 2002 (and 1996), the corresponding sulfur and nitrogen deposition values were 0.066 (0.075) and 0.027 (0.031) kg/ha/yr, respectively. Each of these values greatly exceed the deposition analysis thresholds (DATs) established by NPS of 0.005 kg/ha/yr for sulfur and 0.005 kg/ha/yr for nitrogen.⁸ Predicted contributions to deposition equal to or exceeding the DAT are considered significant, and warrant further analysis.
- F3-8 |

Conclusions: Estimates of WPEA's contribution to deposition indicate that WPEA's emissions will significantly increase sulfur and nitrogen deposition in Great Basin NP. Increases in sulfur and nitrogen deposition may reduce already low ANC in park lakes, increasing the potential for episodic or chronic acidification, with subsequent deleterious impacts to fish, invertebrates, and

⁸ Guidance on DATs is at: <http://www2.nature.nps.gov/air/Pubs/pdf/flag/nsDATGuidance.pdf>

F3-7 WPEA's contributions to nitrogen and sulfur deposition at Great Basin National Park (Great Basin) were listed in Tables 4.6-27 and 4.6-29 in the DEIS and this FEIS.

A cumulative analysis was conducted and the results are included in Section 4.19.3.6.1, *Air Quality*, and Appendix L, *Cumulative Analysis for Air Quality*, of this FEIS. These results show no indication that the increases in nitrogen and sulfur deposition at these areas would have any adverse effects.

F3-8 This comment is addressed in the response to Comment F3-7.

Comment Letter F3

other organisms. Increases in nitrogen deposition may also affect ecosystem function and biodiversity in the park.

Conclusions and Recommendations

In addition to our previous comments, our further analysis of the WPEA application and draft permit lead us to believe that:

- | | |
|-------|--|
| F3-9 | • WPEA should re-consider use of IGCC technology to utilize coal to produce energy with less pollution. |
| F3-10 | • WPEA should justify its rejection of wet scrubbing on the basis of economic, energy, and environmental impacts. If wet scrubbing is chosen as BACT, lower SO ₂ emissions could be achieved. |
| F3-11 | • The air pollutant dispersion modeling analyses presented to date indicate that WPEA would have a significant impact on the 3-hour SO ₂ increment at Zion National Park. However, no explanation was provided as to how the cumulative increment analysis inventory was compiled or from what year(s) it was derived. WPEA should provide information on the relevant Minor Source Baseline Dates and how emissions changes were determined relative to those dates. |
| F3-12 | • The impacts of WPEA's emissions upon visibility in Great Basin National Park are significant. |
| | • WPEA should use IGCC or other technology to reduce its SO ₂ and NO _x emissions in order to reduce potential visibility impacts and impacts from increased sulfur and nitrogen deposition to aquatic and terrestrial ecosystems in Great Basin National Park. |

F3-9 This comment is addressed in the response to Comment F3-1.

F3-10 This comment is addressed in the response to Comment F3-2.

F3-11 This comment is addressed in the response to Comment F3-6.

F3-12 A section on the pollution control evaluation process was included as Section 2.5.4, *Alternative Air Pollution Control Technologies*, of this FEIS. Also, Appendix D, *Evaluation of Alternative Control Strategies*, has been added to this FEIS.

Also, see the response to Comment F3-1.

Year	1990	2000	2010	2020	2030	2040	2050
Population	1,000,000	1,200,000	1,400,000	1,600,000	1,800,000	2,000,000	2,200,000
Employment	500,000	600,000	700,000	800,000	900,000	1,000,000	1,100,000
GDP	\$100,000,000,000	\$120,000,000,000	\$140,000,000,000	\$160,000,000,000	\$180,000,000,000	\$200,000,000,000	\$220,000,000,000
Per Capita Income	\$10,000	\$12,000	\$14,000	\$16,000	\$18,000	\$20,000	\$22,000
Household Income	\$20,000	\$24,000	\$28,000	\$32,000	\$36,000	\$40,000	\$44,000
Personal Income	\$40,000	\$48,000	\$56,000	\$64,000	\$72,000	\$80,000	\$88,000
Corporate Income	\$60,000	\$72,000	\$84,000	\$96,000	\$108,000	\$120,000	\$132,000
Government Income	\$80,000	\$96,000	\$112,000	\$128,000	\$144,000	\$160,000	\$176,000
Total Income	\$180,000	\$216,000	\$256,000	\$296,000	\$336,000	\$376,000	\$416,000
Personal Consumption	\$120,000	\$144,000	\$168,000	\$192,000	\$216,000	\$240,000	\$264,000
Government Consumption	\$40,000	\$48,000	\$56,000	\$64,000	\$72,000	\$80,000	\$88,000
Investment	\$20,000	\$24,000	\$28,000	\$32,000	\$36,000	\$40,000	\$44,000
Net Exports	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Expenditure	\$180,000	\$216,000	\$256,000	\$296,000	\$336,000	\$376,000	\$416,000

APPENDIX A—Visibility in Great Basin National Park

Great Basin National Park has monitored visibility since 1982, (including Lehman Caves National Monument) using several different measurement systems. Visibility, the relative clarity of the air, determines the distance, detail, and colors that we see in a landscape. Since the 1950's, increasing air pollution has caused a marked deterioration in average visibility across the U.S., in both urban and rural areas (Malm, 1989). Currently, the park monitors visibility in cooperation with the NPS Air Resources Division, as an NPS IMPROVE-Protocol site.

The Interagency Monitoring of Protected Visual Environments (IMPROVE) program consists of air quality data from areas where visibility is deemed an important attribute, typically Class I areas. This monitoring program is an interagency effort among the U.S. Environmental Protection Agency (USEPA), the U.S. Department of the Interior (USDOI—including NPS, the U.S. Fish and Wildlife Service, and the Bureau of Land Management), and the U.S. Forest Service. NPS provides monitoring and maintains the database to determine spatial and temporal trends in visibility in the NPS parks and wilderness areas and determine causes for visibility degradation.

Nationwide monitoring efforts indicate that the intermountain West enjoys the best visibility in the contiguous U.S., from the southern Cascades, eastward across the Great Basin and Snake River Plain, to the northern Colorado Plateau and central Rocky Mountains. Great Basin NP, located in middle of this region, typically records some of the highest average visibility in the nation.

Transmissometer: In June 1992, Great Basin NP began monitoring visibility with a transmissometer—an automated system that provides more accurate and precise measurements of visibility than previous methods. A summary of trend data from 1993-2004 shows that Great Basin National Park has an improving visibility trend on its clearest days and no trend on its haziest days. From 1993-2004 the Standard Visual Range (SVR) averaged approximately 194 km (120 miles), the best of any national park in the lower 48 states.

Year	Best 20% km	Best 20% mi	Annual km	Annual mi	Worst 20% km	Worst 20% mi
1993	234.54	145.41	178.64	110.76	128.67	79.78
1994	242.06	150.08	183.42	113.72	136.94	84.90
1995	278.11	172.43	206.43	127.99	148.52	92.08
1996	271.45	168.30	196.04	121.54	123.30	76.45
1997	264.15	163.77	206.01	127.73	146.55	90.86
1998	250.40	155.25	188.22	116.70	136.78	84.80
1999	252.32	156.44	186.98	115.93	128.88	79.91
2000	251.72	156.07	188.75	117.03	128.30	79.55
2001	268.44	166.43	201.01	124.63	138.97	86.16
2002	281.56	174.57	197.15	122.23	116.85	72.45
2003	276.30	171.31	207.72	128.79	139.64	86.58
2004	293.37	181.89	--	--	155.22	96.24
Averages	263.70	163.50	194.58	120.64	135.72	84.15

Average yearly SVR at Great Basin National Park, from 1993 through 2004 "--" indicates no data.
(<http://vista.cira.colostate.edu/views/>)

Teleradiometry and Photography: Teleradiometry and photography data from 1982 to 1987 indicate that the average SVR at Lehman Caves National Monument/Great Basin National Park was 221 km (137 miles) and that SVR values rarely fell below 130 km (80 miles) and rarely exceeded 314 km (195 miles). During those years, Lehman Caves National Monument commonly recorded seasonal SVR values that ranked among the top sites in the NPS visibility monitoring network (O'Leary 1988).

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

DATE	NAME	ADDRESS
11/1	JOHN	12345
11/2	JANE	12345
11/3	JOHN	12345
11/4	JANE	12345
11/5	JOHN	12345
11/6	JANE	12345
11/7	JOHN	12345
11/8	JANE	12345
11/9	JOHN	12345
11/10	JANE	12345
11/11	JOHN	12345
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11/14	JANE	12345
11/15	JOHN	12345
11/16	JANE	12345
11/17	JOHN	12345
11/18	JANE	12345
11/19	JOHN	12345
11/20	JANE	12345
11/21	JOHN	12345
11/22	JANE	12345
11/23	JOHN	12345
11/24	JANE	12345
11/25	JOHN	12345
11/26	JANE	12345
11/27	JOHN	12345
11/28	JANE	12345
11/29	JOHN	12345
11/30	JANE	12345

Each of the above is a copy of the letterhead memorandum (LHM) dated 11/1/77, which was distributed to all members of the White Pine Energy Station DEIS review team. The LHM contains a summary of the comments received from the public and the response to those comments. The LHM also contains a list of the comments received from the public and the response to those comments. The LHM is being distributed to all members of the review team for their information and for their use in preparing their reports.

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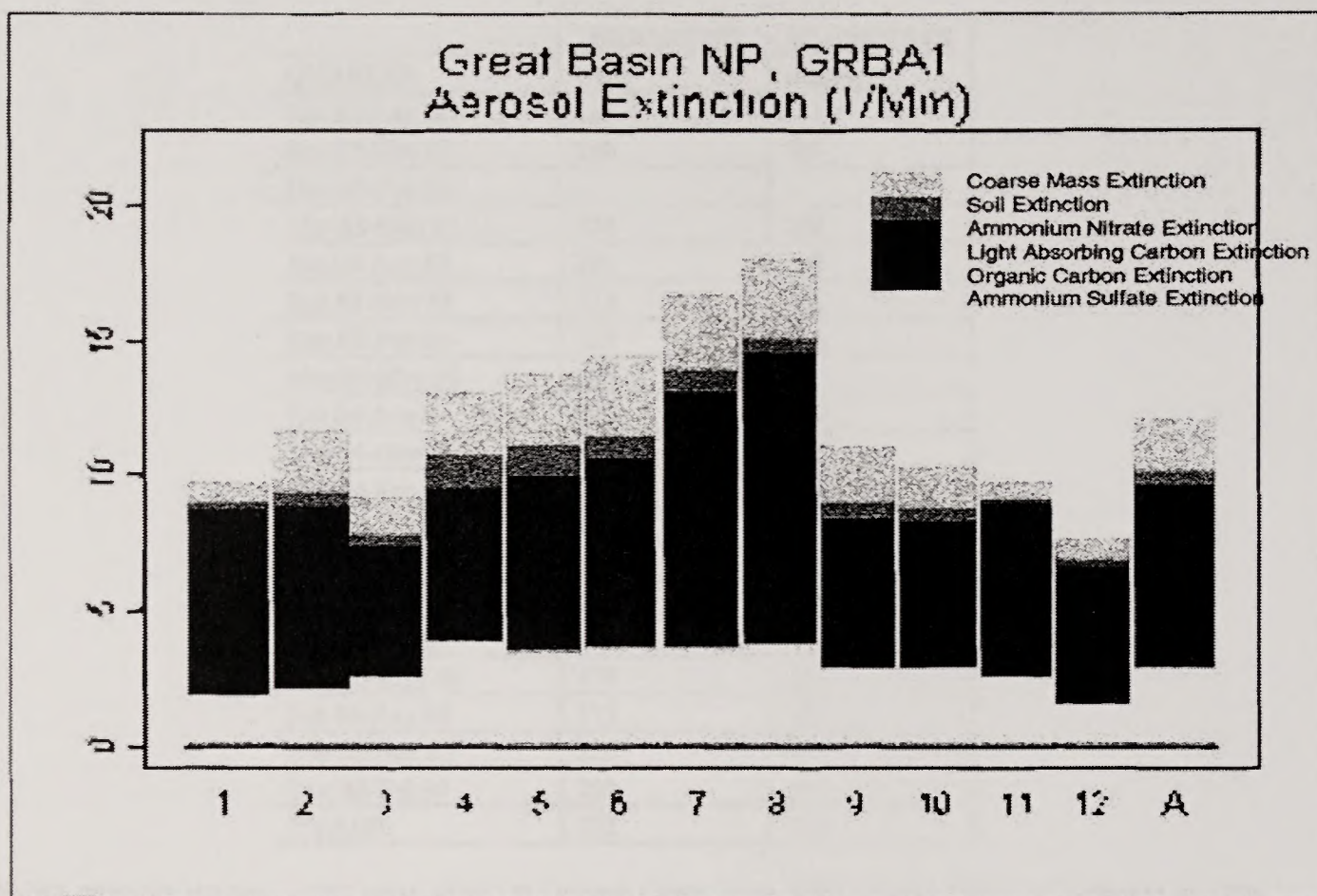
QUARTER	MEDIAN SVR (km)	MEDIAN SVR (miles)
Jun 82-Aug 82	188	117
Sep 82-Nov 82	219	136
Dec 82-Feb 83	--	--
Mar 83-May 83	324	201
Jun 83-Aug 83	201	125
Sep 83-Nov 83	213	132
Dec 83-Feb 84	323	200
Mar 84-May 84	205	127
Jun 84-Aug 84	193	120
Sep 84-Nov 84	207	128
Dec 84-Feb 85	240	149
Mar 85-May 85	181	112
Jun 85-Aug 85	173	107
Sep 85-Nov 85	229	142
Dec 85-Feb 86	--	--
Mar 86-May 86	179	111
Jun 86-Aug 86	173	107
Sep 86-Nov 86	220	136
Dec 86-Feb 87	294	182
MEANS:	221	137

Median quarterly standard visual range (SVR) at Lehman Caves, from 1982 through 1987 "--" indicates no data. (O'Leary, 1988)

Fine Particle Network: The IMPROVE fine particle network collects PM_{2.5} and PM₁₀ samples over a twenty four hour period every Monday and Friday using IMPROVE samplers. The network consists of over 110 monitoring sites and has been in operation since 3/88. The PM samples are analyzed for PM_{2.5} mass and its elemental constituents, organics, ions, light absorption and PM₁₀ mass. The data set contains the concentrations, minimum detection limit, error, and data quality flags. These data allow us to determine the primary pollutants responsible for visibility impairment. In the case of Great Basin NP, it appears that organic carbon, followed by ammonium sulfate, are the primary causes of visibility extinction.

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.





Monthly Aerosol Extinction, Great Basin National Park (DeBell, 2006)

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

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Locations: All former and current visibility monitoring stations are located in the Lehman Creek watershed. The teleradiometry and photography monitors collected data by looking across Snake Valley from the Lehman Cave Visitor Center to Notch Peak in the House Range of Utah. The transmissometer collected data across the Lehman Creek drainage, from Baker Ridge to the lower section of the Wheeler Peak Scenic Drive. The aerosol station is located just below the park housing area near Lehman Cave Visitor Center.

Site Name	GRBA1	GRBA1	GRBA1	GRBA
Type	Receiver	Transmitter	Aerosol	Photography
Elevation meters	2130	2365	2065	2092
Lat (deg)	-114.21	-114.24	-114.2161	-114.2160
Lon (deg)	38.99	39.02	39.0052	39.0054
Bearing	315	45	n/a	65
Angle	3.44	-3.44	n/a	1
Distance	3.913	3.913	n/a	n/a
Watershed	Lehman	Lehman	Lehman	Lehman
Start Date	9/1/1992	9/1/1992	5/27/1992	6/1982
End Date	11/9/2006	11/9/2006	ongoing	2/1987

References

<http://vista.cira.colostate.edu/views/>

2005 Annual Performance & Progress Report: Air Quality in National Parks, National Park Service, March, 2006

Air Quality in the National Parks, Second Edition, National Park Service, September 2002

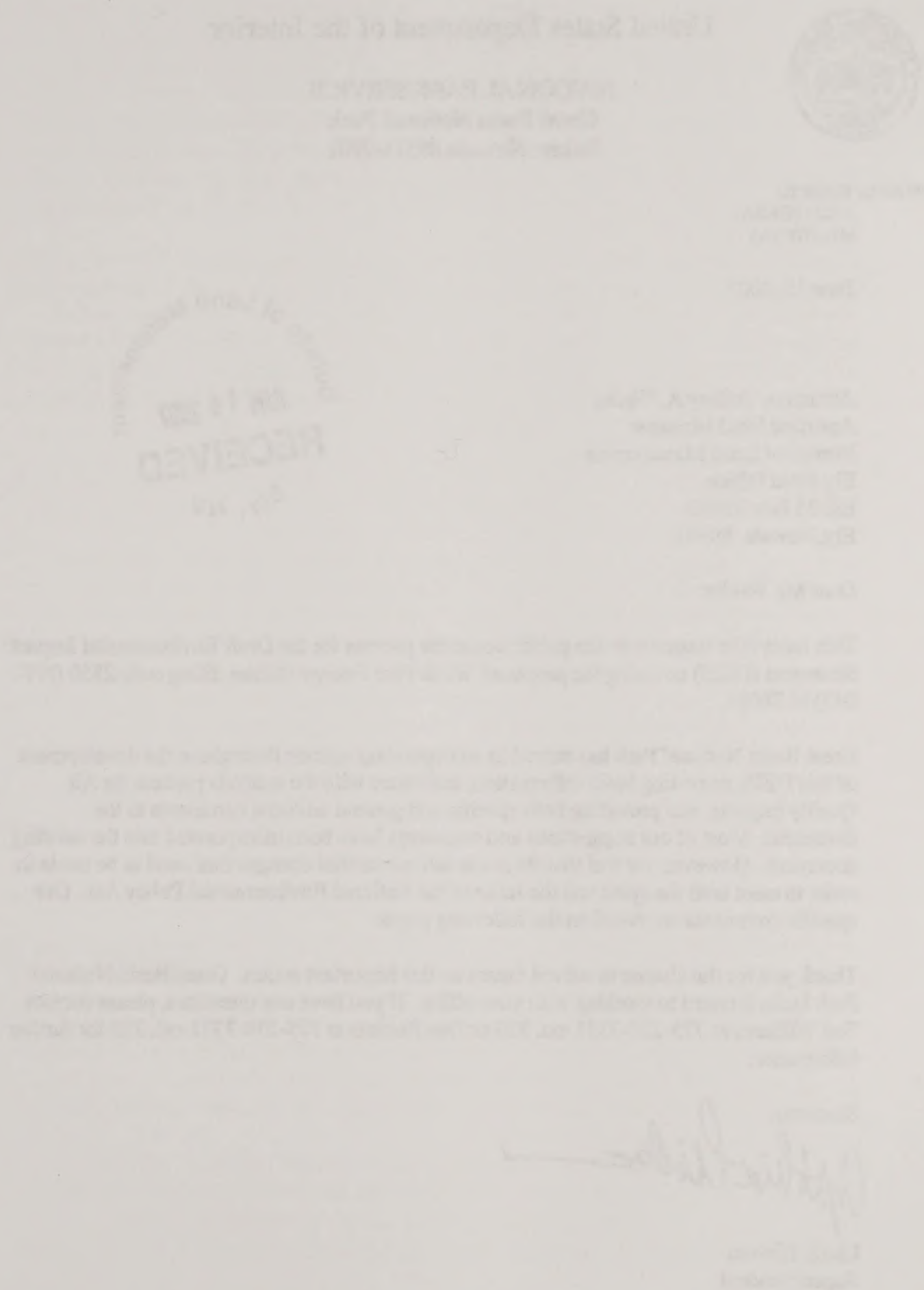
DeBell, L.J. 2006. Report IV: Spatial and Seasonal Patterns and Temporal Variability of Haze and its Constituents in the United States. Cooperative Institute for Research in the Atmosphere, Colorado State University, Fort Collins, CO 80523-1375.

Evaluation of Existing and Future Air Quality Monitoring at Great Basin National Park, Desert Research Institute, Las Vegas, Nevada, April 29, 2005

Malm, W.C. 1989. Atmospheric haze: Its sources and effects on visibility in rural areas of the continental United States. Environmental Monitoring and Assessment 12:203-225.

O'Leary, D. (ed.). 1988. Air quality in the National Parks. NPS Air Quality Division; Denver, CO

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.





United States Department of the Interior

NATIONAL PARK SERVICE
Great Basin National Park
Baker, Nevada 89311-9701

IN REPLY REFER TO:
L3221 (GRBA)
N16 (GRBA)

June 15, 2007

Attention: Jeffery A. Weeks
Assistant Field Manager
Bureau of Land Management
Ely Field Office
HC 33 Box 33500
Ely, Nevada 89301



Dear Mr. Weeks:

This letter is in response to the public comment process for the Draft Environmental Impact Statement (DEIS) covering the proposed White Pine Energy Station, filing code 2850 (NV-043) N-78091.

Great Basin National Park has served as a cooperating agency throughout the development of this DEIS, providing basic information, assistance with the analysis process for Air Quality impacts, and providing both specific and general editorial comments to the document. Most of our suggestions and comments have been incorporated into the existing document. However, we feel that there are still substantial changes that need to be made in order to meet both the spirit and the letter of the National Environmental Policy Act. Our specific comments are noted on the following pages.

Thank you for the chance to submit issues on this important action. Great Basin National Park looks forward to working with your office. If you have any questions, please contact Tod Williams at 775-234-7331 ext. 223 or Ben Roberts at 775-234-7331 ext. 228 for further information.

Sincerely,

Cindy Nielsen
Superintendent

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

Chapter 2

- F4-1 | 2.5.1.4.3 IGCC. Great Basin National Park believes that, based on current information, this technology deserves to be evaluated as a valid alternative that clearly meets all 6 criteria.
- Capable of providing approximately 1,590 MW of reliable base load power generation capacity. Two U.S. based IGCC plants have been in operation 1995 and 1996 (Wabash River and Polk Power Station). Both of these plants provide base load generation capacity and, based on new designs from GE Energy-Bechtel alliance's next generation IGCC plants, the 1,590 MW can be met.
 - Environmentally permitable. According to <http://www/clean-energy.us>, "The U.S. Environmental Protection Agency (EPA) has established New Source Performance Standards for large-scale, combustion-based power plants that use coal... present and next-generation IGCC facilities: (1) meet or exceed the EPA's standards; (2) emit fewer criteria air pollutants than SCPC plants; and (3) compare favorably with natural gas combined cycle (NGCC) facilities." Air quality impacts would be substantially lower with IGCC than the proposed action utilizing pulverized coal.
 - Cost effectiveness related to pulverized coal. According to the National Energy Technology Laboratory, as of May 1st, 2007, of the 151 current applications for coal fired power plants, 34 applications are for gasification, 22 of which specifically list IGCC as the generation method (*Tracking New Coal-Fired Power Plants*, <http://www.netl.doe.gov/coal/refshelf/ncp.pdf>) New designs from GE Energy-Bechtel alliance's next generation IGCC plants will also decrease the capitol costs of IGCC technology that, combined with the inherent/efficiencies of IGCC, make this technology more cost effective. Economic feasibility is, by itself, not a reason to exclude an alternative from consideration per the CEQ - Regulations for Implementing NEPA. "Section 1502.14 requires the EIS to examine all reasonable alternatives to the proposal. In determining the scope of alternatives to be considered, the emphasis is on what is "reasonable" rather than on whether the proponent or applicant likes or is itself capable of carrying out a particular alternative. Reasonable alternatives include those that are practical or feasible from the technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant." (*Memorandum for Federal NEPA Liaisons, Federal, State, and Local Officials and other persons involved in the NEPA process, Subject: Questions and Answers About the NEPA Regulations, March 16, 1981*) If 22% of current coal power generation applications are using the IGCC technology, it is clearly a reasonable alternative to consider.
 - Utilize commercially proven and reliable technology. Two U.S. based IGCC plants have been in operation 1995 and 1996 (Wabash River and Polk Power Station). According to the National Energy Technology Laboratory, as of May 1st, 2007, of the 151 current applications for coal fired power plants, 34 applications are for gasification, 22 of which specifically list IGCC as the production method. The NPS Air Resource Division is currently reviewing 6 IGCC applications. Other members of the power industry realize that IGCC is a proven and reliable technology.
 - Place water held by White Pine County for power production in Steptoe Valley to Beneficial use for power production. IGCC can meet this criteria as stated in the DEIS.
 - Provide traffic for the NNR. IGCC can meet this criteria as stated in the DEIS.
 - Capable of meeting purpose and need. IGCC is a newer technology but one that has both

F4-1 The evaluation of Integrated Gasification Combined Cycle (IGCC) technology has been expanded in Section 2.5.1, *Alternative Power Generating Technologies*, and is also addressed in new Appendix H, *Alternative Coal-Fueled Generating Technologies*, of this FEIS. Based on this evaluation, IGCC technology has not been demonstrated as a reliable or economically viable method of generating baseload power with western coals at high elevation and does not meet the purpose and need for the project. Each comment by the National Park Service (NPS) is addressed briefly below.

- Based on the demonstrated performance of IGCC technology, this technology is not capable of providing reliable baseload power with coal as the fuel over the life of the project. Even after several years of operation, existing coal-fueled IGCC power plants have not been able to achieve the level of reliability achieved by a typical PC-fired plant during its first year of operation (greater than 90 percent).
- As stated in Section 2.5.1.4.3, *Integrated Gasification Combined Cycle*, IGCC technology is considered to be environmentally permissible, consistent with the NPS comment.
- Current cost estimates for new IGCC plants reflect the high cost of IGCC technology relative to PC-fired plants. For example, American Electric Power (an electric utility proposing both new PC and IGCC plants) has estimated costs of \$2.23 billion for a 600 megawatt (MW) IGCC plant compared to \$1.3 billion for a 600 MW PC-fired plant (representing a cost premium of over 70 percent for IGCC). Thus, even considering the marginal efficiency gain that might be achievable with IGCC, this technology is not considered cost effective relative to pulverized coal (see FEIS Section 2.5.1.4.3 and Appendix H, *Alternative Coal-Fueled Generating Technologies*, for additional cost information).
- As NPS correctly states, only two of U.S. based IGCC plants are in operation. These plants have shown poor reliability relative to PC-fired technology. The fact that other companies are proposing to use IGCC technology does not establish the technology as commercially proven or reliable. As summarized in Section 2.5.1.4.3, *Integrated Gasification Combined Cycle*, and documented in detail in Appendix H, *Alternative Coal-Fueled Generating Technologies*, of this FEIS, the proposed IGCC facilities all rely on regulatory and economic incentives such as cost recovery from ratepayers and government grants aimed at advancing the state of the technology, further demonstrating that the technology is not yet technically mature or commercially viable.
- As stated in Section 2.5.1.4.3, IGCC technology would place water held by White Pine County to beneficial use and would provide traffic for the NNR, consistent with the NPS comment.
- As documented in Section 2.5.1.4.3, *Alternative Power Generating Technologies*, of this FEIS and discussed in the previous text, IGCC technology is not capable of meeting the purpose and need for the project and is therefore not carried forward for detailed evaluation.

a proven track record and an economic feasibility that is poorly portrayed in the DEIS. The clear trend in utilizing more IGCC technology in the U.S. lends credence to the argument that this technology should be evaluated as a valid alternative in the Final EIS.

Chapter 3

F4-2 This section suffers from a lack of a defined impact area that carries through to Chapter 4.6 and 4.19. The impact area is variously described as 1) the immediate area around the proposed action, 2) the eastern region of Nevada, 3) an area of existing sources that is either 138 kilometers from the Proposed Action or 155 kilometers from the Proposed Action (it is unclear which), 4) an impact area 164 miles from the Proposed Action, and 5) an area up to 300 kilometers from the Proposed Action which includes two Class I airsheds, Zion National Park and the Jarbidge Wilderness Area. We also note that while there was a Class II analysis, there is no defined Class II area. In light of this uncertainty, the NPS feels that it is most appropriate to define the impact area in terms of the largest potential impact, in this case an area in circumference 300 kilometers from the proposed action that matches the Class I analysis. This should be clearly stated in Chapters 3 and 4 and should be the area evaluated for cumulative impacts.

F4-3 3.6.1.1.x The numbering and order of many of these sections is inconsistent with the numbering and order of the sections in Chapter 4. Please review both sections for complete consistency in this regard. Our recommendation is (and has been) to have a complete section number for each pollutant with the existing conditions data clearly delineated between the onsite area, Class I areas, and Class II areas.

F4-4 3.6.1.1 Air quality in this region is not just good, it is among the best in the nation. A summary of trend data from 1995-2004 shows that Great Basin National Park has an improving visibility trend on its clearest days and no trend on its haziest days. From 1997-2002 the average visual range was approximately 177 km (109 miles), the second best of any national park after Denali. *2005 Annual Performance & Progress Report: Air Quality in National Parks, National Park Service, March 2006*. This data is easily extrapolated to a large area of the Great Basin, centered around the park. In addition, the first paragraph from section 4.6.1.1 should be added here to introduce the concept of NAAQS.

F4-5 3.6.1.1.1 The data presented is from 1993. Current NPS data from 2005 is available and should be used as the most complete scientific data on which to base decisions.

F4-6 3.6.1.1.2 Based on current monitoring data from Great Basin National Park, the NAAQS are close to exceeding levels for ozone. This information should be included in the Final EIS to compare existing conditions with the required standards.

F4-7 Figure 3.6-1 This is still a very confusing graphic for readers. We suggest removing it and only referencing Figure 3.6-2, which should include the 300 kilometer circle for the total impact area.

- F4-2** Language has been added to Section 3.6.1.1, *Background Data*, of this FEIS to clarify why there are two areas of analysis (Class II AERMOD and Class I CALPUFF areas of analyses) and to provide regulatory descriptions of Class I, II, and III areas. Figure 3.6-1 was modified to show the areas of analysis. The results of these two analyses are presented in Section 4.6.1, *Air Quality*, of this FEIS.
- F4-3** Additional information was added to Section 4.6.1, *Air Quality*, of this FEIS discussing the dispersion modeling that was performed, which made it impractical to keep the section numbering for Chapters 3 and 4 consistent. This was done to help the reader better understand the air quality analyses that were conducted.
- F4-4** Additional text was added to Section 3.6.1.1, *Background Data*, of this FEIS. The new text introduces and explains the concepts of National Ambient Air Quality Standards (NAAQS). The new text also provides visibility trend data and more fully explains existing visibility conditions.
- F4-5** The discussion of particulate matter in Section 3.6.1.1.1, *Particulate Matter*, of this FEIS was revised. The most current publicly available ambient monitoring data were obtained for Great Basin National Park. Ambient monitoring data for 2005 are not currently publicly available; however, 2004 data are available on the vista website (<http://vista.cira.colostate.edu/improve/Data/IMPROVE/AsciiData.aspx>). Ambient PM₁₀ has been monitored in Great Basin National Park since 1993. Data collected in 2002 through 2004 show the highest recorded 24-hour values of 104.62 micrograms per cubic meter (µg/m³), 17.48 µg/m³, and 17.05 µg/m³ respectively. In contrast, the NAAQS for PM₁₀ is 150 µg/m³ on a 24-hour average basis, not to be exceeded more than once per year on average over 3 years.
- F4-6** A new Section 3.6.1.1.2, *Ozone*, was created in this FEIS that includes data collected at Great Basin National Park. The 2006 ozone 8-hour (3-year average of the 4th highest value) is 0.072 parts per million (ppm) compared to a standard of 0.080 ppm. New information has also been added to Sections 4.6.1.3.4, *Dispersion Modeling Methodology*, Section 4.19.3.6.1, *Air Quality*, and Appendix L, *Cumulative Analysis for Air Quality*, demonstrating that the Station will have a negligible effect on ambient ozone levels and that an exceedance of the ozone NAAQS is not expected to occur.
- F4-7** Figure 3.6-1 of the DEIS was removed. Figure 3.6-2 was renumbered to Figure 3.6-1 in the FEIS. Circles with a 150-kilometer radius and a 300-kilometer radius were added to the new Figure 3.6-1 and labeled as the corresponding modeling areas. The Class I and Class II areas of interest that were included in the analysis were labeled. The 1-hour Ozone Non-Attainment Area was removed from the figure because this rule was revoked in 2005.

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- F4-8 | 3.6.1.1.4 Data presented should match in terms of quantities to assist in comparisons. The NAAQS for sulfur dioxide are listed in parts per million (ppm) but onsite data is presented in micrograms/meter squared. The onsite data units should match the NAAQS.
- F4-9 | 3.6.1.1.5 This should be correctly listed as NO_x because, as explained in the text for 4.6.1.1.4 and Table 4.6-28, nitrogen forms various compounds in the atmosphere and total nitrogen is the monitored pollutant, not nitrogen dioxide. Data presented should match in terms of quantities to assist in comparisons. The NAAQS for nitrogen is listed in parts per million (ppm) but onsite data is presented in micrograms/meter squared. The onsite data units should match the NAAQS.
- F4-10 | 3.6.1.1.8 Baseline data from Jarbidge Wilderness Area and Zion National Park should be displayed here, similar to 3.6.1.1.7, not just a link to a website. There should be a brief summary of that data presented per CEQ, Regulations for Implementing NEPA, Sec. 1502.21 Incorporation by reference. *"The incorporated material shall be cited in the statement and its content briefly described."* Material is currently cited but not described.
- F4-11 | 3.6.1.3 As mentioned above, this section is unclear as the actual distance used for existing sources. Is it 138 km or 155 km? If the state of Utah only provided sources 133 km from the Proposed Action, but the DEIS analyzed 155 km in Nevada, the document must explain why or, preferably, ask the state of Utah to provide sources up to 155 km away for consistency in analysis.

Chapter 4

- F4-12 | 4.2. Nitrogen deposition from the Proposed Action may affect soil nutrient cycling and should be discussed in this section. We propose that the BLM list potential mitigation measures for the reduction of nitrogen deposition. One potential measure would require the proponent to switch from dry scrubbers to wet scrubbers. Various types of changes to operating parameters could also achieve similar results.
- F4-13 | 4.3 Nitrogen and sulfur deposition from the Proposed Action has the potential to acidify sensitive aquatic ecosystems, especially those within Great Basin National Park. Excess nitrogen in aquatic ecosystems may cause changes in algal species composition and abundance; resulting in changes to food web dynamics, including eutrophication. We propose that the BLM list potential mitigation measures for the reduction of nitrogen and sulfur deposition. One potential measure would require the proponent to switch from dry scrubbers to wet scrubbers. Various types of changes to operating parameters could also achieve similar results.
- F4-14 | 4.5.1 Nitrogen deposition from the Proposed Action may affect plant community structure and function and may reduce biodiversity. Nitrogen increases plant biomass, resulting in greater fuel loadings and fire potential. In certain high-elevation forests, nitrogen decreases the cold hardiness of trees, leading to winter die-offs. We propose that the BLM list potential mitigation measures for the reduction of nitrogen deposition. One

F4-8 The ambient monitoring data in Section 3.6.1.1.4, *Sulfur Dioxide*, of this FEIS are shown in both $\mu\text{g}/\text{m}^3$ and ppm.

F4-9 It is understandable that there is some confusion over the use of nitrogen dioxide versus nitrogen oxides. The term nitrogen oxides typically refers to any binary compound of oxygen and nitrogen, or to a mixture of such compounds including nitric oxide, nitrogen dioxide, nitrous oxide, dinitrogen trioxide, dinitrogen tetroxide, and dinitrogen pentoxide. However, the NAAQS is based only on nitrogen dioxide. When discussing other air quality related values such as visibility and ozone, it is appropriate to use the term nitrogen oxides or NO_x .

F4-10 Information has been updated and added to Section 3.6.1.1.11, *Other Background Data*, in this FEIS. As part of these changes, information presented in the DEIS in Section 3.6.1.1.8, *Jarbridge Wilderness Area and Zion National Park Background Data*, has been incorporated into Section 3.6.1.1.11 of this FEIS.

F4-11 Text was added to Section 3.6.1.3, *Existing Emission Sources*, of this FEIS. The added text is summarized below.

The nearby source inventory was created from data provided by the Nevada Division of Environmental Protection (NDEP) and the Utah Department of Environmental Quality-Division of Air Quality (UDEQ-DAQ). The Prevention of Significant Deteriorations (PSD) air permitting process required White Pine Energy Associates (WPEA) to model nearby sources extending 50 kilometers beyond the most distant "PSD significant impact" from the White Pine Energy Station. The most distant "PSD significant impact" was 67 kilometers; so the required radius for evaluating nearby sources was 117 kilometers. NDEP-Bureau of Air Pollution Control (BAPC) and the UDEQ-DAQ provided all sources within 150 kilometers, plus one source in Nevada that was 155 kilometers distant. Records from the source inventories with identical coordinates and stack characteristics were grouped together to provide 28 unique sources (and 15 unique facilities) for modeling. The stationary sources were all considered increment consuming (those sources which would cause deterioration of air quality after certain federally-designated trigger dates). Increment consumption from area and mobile source emissions was assumed to be negligible because of the decrease in population in White Pine County since the PM_{10} and sulfur dioxide minor source baseline dates.

F4-12 Additional information was developed and added to Section 4.19.3.6.1, *Air Quality*, under the heading *Cumulative Sulfur and Nitrogen Deposition Analysis*, and to Appendixes D (*Evaluation of Alternative Control Strategies*) and L (*Cumulative Analysis for Air Quality*) of this FEIS. The results of the cumulative deposition analysis, as shown in Tables 4.19-12 and 4.19-13 of this FEIS, show the increases in sulfur and nitrogen deposition (including effects associated with excess nitrogen in aquatic and terrestrial ecosystems) at these areas are not expected to have adverse effects.

The analysis in the FEIS for sulfur and nitrogen deposition is briefly summarized as follows. The FEIS includes a screening procedure that demonstrates that sulfur and nitrogen deposition are not expected to result in acidification at any of the potentially sensitive water bodies identified by the various commenter. Additionally other water bodies in Steptoe valley would not be expected to be susceptible to acidification due to the alkaline soils present in the valley. With respect to nitrogen deposition the available literature indicates that the soils in vicinity of the Station are not saturated with nitrogen and the predicted increase in nitrogen deposition are within the year-to-year variability measured at the deposition monitoring sites in the area. Further, the predicted levels of nitrogen deposition are less than those that have shown to create adverse affects in comparable ecosystems such as the high-elevation alpine watersheds in the Colorado Front Range. Thus nitrogen deposition due to the Station is not expected to create adverse impact on soil nutrient cycling, excess nitrogen in aquatic ecosystems, effects on vegetation, and invasive plant species.

Because the meaning of the NPS's comment, "changes to operating parameters could also achieve similar results" is unclear, it is not possible to provide specific responses to the various instances of this suggestion throughout these comments. Note that switching to wet scrubbers would be expected to increase emissions of nitrogen oxides from the proposed project because of increased efficiency-related emissions. See Appendix D in this FEIS.

The NDEP-BAPC (which is responsible for determining whether mitigation measures are necessary) did not determine that additional mitigation would be required for the reduction for sulfur or nitrogen deposition, beyond what has been proposed.

F4-13 See the response to Comment F4-12.

F4-14 See the response to Comment F4-12.

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F4-14
(cont.)

potential measure would require the proponent to switch from dry scrubbers to wet scrubbers. Various types of changes to operating parameters could also achieve similar results.

4.5.2 Nitrogen deposition from the Proposed Action may affect invasive plant species, which often are better able to utilize excess nitrogen and out-compete native plants. We propose that the BLM list potential mitigation measures for the reduction of nitrogen deposition. One potential measure would require the proponent to switch from dry scrubbers to wet scrubbers. Various types of changes to operating parameters could also achieve similar results.

4.5.3 Nitrogen and sulfur deposition from the Proposed Action has the potential to acidify sensitive aquatic ecosystems. Lakes in Great Basin NP were surveyed in 1989 as part of EPA's National Surface Water Survey. All of the lakes in the park were considered acid-sensitive (acid neutralizing capacity, ANC, of less than 200 microequivalents per liter, ueq L⁻¹), according to EPA's classification criteria. The most sensitive lake included in the study was Baker Lake at 3,238 m (10,620 feet), with an ANC of 73 ueq L⁻¹. Increases in nitrogen or sulfur deposition to sensitive lakes or their watersheds could further reduce ANC, increasing the potential for episodic or chronic acidification. Baker Lake has a population of cutthroat trout (*Onchorhynchus clarki*), which could be affected by further loss of ANC. Other fisheries resources within the area of impact (300 km) also have the potential for acidification. We propose that the BLM list potential mitigation measures for the reduction of nitrogen and sulfur deposition. One potential measure would require the proponent to switch from dry scrubbers to wet scrubbers. Various types of changes to operating parameters could also achieve similar results.

4.5.4 Nitrogen and sulfur deposition from the Proposed Action has the ability to affect both aquatic and terrestrial ecosystems and their associated species. Because Threatened, Endangered, Candidate, and Sensitive species are already heavily impacted by human activities, any additional environmental stressors must be taken into account. No analysis of the potential effects to these species caused by ecosystem changes in deposition were evaluated. We propose that the BLM list potential mitigation measures for the reduction of nitrogen and sulfur deposition. One potential measure would require the proponent to switch from dry scrubbers to wet scrubbers. Various types of changes to operating parameters could also achieve similar results.

4.6.1.1 This first paragraph should also be added to section 3.6.1.1 where the first discussion of NAAQS in regards to existing conditions take place. The third paragraph also confuses the term cumulative. From the CEQ, Regulations for Implementing NEPA, Sec. 1508.7 Cumulative impact: "*Cumulative impact*" is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. The term is used throughout this section to refer to the Clean Air Act analysis for

F4-15 See the response to Comment F4-12.

F4-16 A site-specific screening analysis for acid deposition effects at Baker Lake was conducted. A discussion was added as part of Section 4.19.3.6.1, *Air Quality*, and as a part of Appendix D, *Evaluation of Alternative Control Strategies*, and Appendix L, *Cumulative Analysis for Air Quality*, in this FEIS. As shown in Table 4.19-11, Baker Lake has a baseline acid neutralization capacity (ANC) of 73 µeq/L, which was the lowest of the three lakes evaluated (Baker Lake, Emerald Lake, and Ruby Lake South Marsh). As shown in the site-specific screening analysis, the predicted cumulative deposition levels (including existing facilities, the proposed action, and reasonably anticipated future actions) are not expected to have any adverse effects on aquatic ecosystems at Great Basin National Park or any other area. Therefore, no expected adverse acid deposition effects would warrant mitigation measures such as wet scrubbers, and none are proposed.

Regarding the commenter's statement that other fisheries resources within the area also have the potential for acidification, it is noted that this FEIS provides detailed analyses for each aquatic ecosystem that was identified as potentially sensitive, including Baker Lake, Emerald Lake, and the Ruby Lake South Marsh. Fisheries in Steptoe Valley would not be expected to be susceptible to acidification because of the buffering characteristics of alkaline soils in the valley. This is consistent with NDEP sampling data for two such fisheries in the Steptoe Valley, Comins Lake and Bassett Lake, each with alkalinity values greater than 5,000 microequivalents per liter, indicating that these lakes are well-buffered and would not be subject to acidification. Since the identified potentially-sensitive fisheries in the area are not expected to be adversely affected by acid deposition from the Station and since other fisheries in the area are expected to be buffered as the result of alkaline soils, the proposed Station is not expected to result in acidification of any fishery in the area. The text of Section 4.19.3.6.1 in this FEIS has been updated to reflect this information.

Because the meaning of the comment, "changes to operating parameters could also achieve similar results" is unclear, it is not possible to provide specific responses to the various instances of this suggestion throughout these comments. Note that switching to wet scrubbers would be expected to increase emissions of nitrogen oxides from the proposed project because of increased efficiency-related emissions. See Appendix D in this FEIS.

F4-17 See the response to Comment F4-12 and F4-16.

F4-18 See the response to Comment F4-4 regarding text that has been added to Section 3.6.1.1, *Background Data*, of this FEIS describing NAAQS.

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F4-19	<p>NAAQS and PSD, which only takes into account current, existing sources. Because this DEIS is a NEPA document, referring to this analysis as assessing 'cumulative impacts' creates the false impression that this analysis is 'cumulative' in the NEPA sense of the word, (past, present, and reasonably foreseeable future) when it clearly is not. The NPS recommends that the entire DEIS be reviewed and in all instances where 'cumulative' or 'cumulative impacts' are used referring to the Clean Air Act analysis, the term 'total existing' or 'total existing impacts' be substituted.</p>
F4-20	<p>4.6.1.1.x The numbering and order of many of these sections is inconsistent with the numbering and order of the sections in Chapter 3. Many items have been incorrectly lumped or split. Please review both sections for complete consistency in this regard. Our recommendation is (and has been) to have a complete section number for each pollutant with the impacts clearly delineated between the Class I and Class II areas.</p>
F4-21	<p>4.6.1.3.3 and Tables 4.6-4 and 4.6-5 The text and tables should also include a lifetime emissions total for all pollutants, assuming a 50 year lifespan as noted in Chapter 1.</p>
F4-22	<p>4.6.1.3.5 Significance language needs to be removed from this section. As per multiple ongoing discussions about this topic with the Core Team, all results need to be reported in actual amounts and compared to the NAAQS and PSD requirements. The results should be then reported as the actual amounts less than or greater than the legal requirement.</p>
F4-23	<p>4.6.1.3.6 and Table 4.6-6 The title, table and text incorrectly use the term 'cumulative'. Please see comments to section 4.6.1.1.</p>
F4-24	<p>4.6.1.3.8</p> <ul style="list-style-type: none"> PSD Pollutant Concentrations. Data presented shows that sulfur dioxide emissions from the Proposed Action will have a significant impact on both the 3-hour sulfur dioxide increment and 24-hour average concentration at Zion National Park and Jarbidge Wilderness Area, both Class I areas. Great Basin National Park feels that this deserves to be called out in greater detail, both in this section and in the Executive Summary. This section also uses the term 'cumulative impacts' incorrectly. Please see comments to section 4.6.1.1.
F4-25	<ul style="list-style-type: none"> Visibility Impacts. Should be combined with the section titled Summary of Visibility Impacts to avoid confusion. Data presented in Table 4.6-16 show that there are visibility impacts at both Class I areas, up to 32.3% change although on a small number of days. This is in contradiction to the text which states '...estimated to have no visibility impact...' The impact may be small, but it is a measurable impact that needs to be correctly stated in this section and in the Executive Summary.
F4-26	<ul style="list-style-type: none"> Summary of Visibility Impacts. Should be combined with the section titled Visibility Impacts to avoid confusion.
F4-27	<ul style="list-style-type: none"> NPS Comments to PSD Permit Applications Regarding Class I Areas. We recommend that this section simply be combined with respective pollutant impact topics that it addresses and not stand alone. This section needs to define significant and adverse to meet DEIS criteria.

- F4-19** The reference to “cumulative impacts” in the DEIS is consistent with accepted National Environmental Policy Act (NEPA) practice, as well as the definition of cumulative impacts in 40 CFR 1508.7 of the Council on Environmental Quality (CEQ) Regulations. In order to make this clearer to the reader, however, a statement was added in Section 4.6.1, *Air Quality*, of this FEIS as follows:
- “As part of this Chapter, there are analyses that are conducted independent of the NEPA process. These analyses are requirements of the Prevention of Significant Deterioration (PSD) rules (40 CFR Part 52.21) and are part of the air quality permitting process. Similar terms are used in both the NEPA process and PSD rules that have different meanings (that is, significant and cumulative). To prevent confusion, ‘PSD’ was included in the use of these terms in order to discriminate between the two rules (for example, PSD Significant). If the term is not preceded by PSD, then it is to be assumed to be used in the context of NEPA.”
- F4-20** See the response to Comment F4-3.
- F4-21** Environmental and health related impacts are evaluated based on the concentrations that occur over specific time intervals, known as averaging periods (several hours to a maximum of annual). Thus, it is not clear that there would be a benefit to the reader to have the emissions presented over the life of the project. WPEA’s air quality analyses have demonstrated that emissions from the White Pine Energy Station will not violate any applicable ambient air quality standard. Therefore, inserting lifetime emissions totals would not be expected to add meaningful information to the document.
- F4-22** Section 4.6.1.3.5, *Class II Area Dispersion Modeling Results*, of this FEIS has been revised to clearly present the results of the Class II Area dispersion modeling results in Table 4.6-6.
- F4-23** See the response to Comment F4-19. The column headers in Table 4.6-6 of this FEIS have been edited to clarify the regulatory meaning of “cumulative” and “significant.”
- F4-24** See the response to Comment F4-19.
- F4-25** The sentence containing the phrase “...estimated to have no visibility impact...” has been removed from Section 4.6.1.3.8, subheading *Visibility Impacts*. Instead, the text has been revised to reference Table 4.6-16, which provides the results of the visibility analysis.
- F4-26** The analysis and process followed for evaluating visibility impacts is described in this FEIS in Section 4.6.1.3.8, *Class I Area Dispersion Modeling Results*. The summary of the results of the visibility analysis (described in subsection *Visibility Impacts* of the DEIS) is included in the subsection Summary of *Visibility Impacts* in this FEIS. The subheading *Visibility Impacts* that appears on Page 4-105 of the DEIS has been removed from this FEIS.
- F4-27** NPS comments that were inserted on Pages 4-114 and 115 of the DEIS have been removed. Evaluations and information addressing the comments on the draft PSD permit for the Station have been added in Sections 3.6.1, *Air Quality*, and 4.6.1, *Air Quality*, of this FEIS.

4.6.1.4 The BLM has failed to provide adequate potential mitigation measures in this DEIS.

From *Memorandum for Federal NEPA Liaisons, Federal, State, and Local Officials and other persons involved in the NEPA process, Subject: Questions and Answers About the NEPA Regulations, March 16, 1981*, "All relevant, reasonable mitigation measures that could improve the project are to be identified, even if they are outside the jurisdiction of the lead agency or the cooperating agencies, and thus would not be committed as part of the RODs of these agencies. Sections 1502.16(h), 1505.2(c). This will serve to alert agencies or officials who can implement these extra measures, and will encourage them to do so. Because the EIS is the most comprehensive environmental document, it is an ideal vehicle in which to lay out not only the full range of environmental impacts but also the full spectrum of appropriate mitigation." In this spirit, we propose that the BLM list potential mitigation measures for the reduction of sulfur dioxide in Class I areas and reductions of both sulfur and nitrogen deposition in Great Basin National Park.

F4-28 Mitigation measures for the prevention of visibility loss and a reduction in particulate matter should also be considered. One potential measure would require the proponent to switch from dry scrubbers to wet scrubbers. Various types of changes to operating parameters could also achieve similar results.

4.19 This section of the DEIS contains major structural flaws. The DEIS fails to disclose the cumulative environmental impacts of the proposed action by inadequately defining cumulative in regard to air quality issues (see comments from section 4.6.1.1) and through a failure to perform adequate cumulative impact analysis on reasonably foreseeable future actions. Several projects listed below were determined in Chapter 1.7 as 1) relevant to potential impacts, 2) within the project area of influence, and 3) of a magnitude that could potentially result in a cumulative impact. As projects considered for cumulative analysis in both the Administrative Draft EIS and this Draft EIS, the BLM cannot simply write off these projects in section 4.19 as not considered. Although we feel that enough information exists about these projects to provide a basic quantitative analysis and impact discussion, the Final EIS should provide, at the very least, a qualitative assessment of impacts that these actions will have upon air quality and other resources.

F4-29

- Intermountain Power Project Phase III - This project is within 200 km of the Proposed Action and should be considered as part of the impact area as emissions will also affect Zion National Park, a Class I area. Air quality impacts are cited as insignificant although no cumulative analysis was performed. Since an analysis was not performed, no determination can be made as to the level of impact. Great Basin National Park suggests conducting both a Class I and Class II analysis based on the best available information.

F4-30

- Newmont Gold Coal-Fired Power Plant - This project is within 200 km of the Proposed Action and should be considered as part of the impact area as emissions will also affect Jarbidge Wilderness Area, a Class I area. Air quality impacts are cited as insignificant although no cumulative analysis was performed. Since an analysis was not performed, no determination can be made as to the level of impact. Great Basin National Park suggests conducting both a Class I and Class II analysis based on the best available information.

F4-31

- Ely Energy Center - This project is within 20 km of the Proposed Action and should be considered as part of the impact area as emissions will also affect Zion National Park and

- F4-28** This decision process was discussed in WPEA's PSD air permit application and is also discussed in Appendix D, *Evaluation of Alternative Control Strategies*, of this FEIS. The wet scrubbing alternative was eliminated from consideration because of the associated energy, environmental, and economic impacts. These impacts include, but are not limited to, higher water consumption, and higher hydrogen fluoride and sulfuric acid mist emissions. Additionally, there is no assurance that utilizing a wet scrubber would result in lower visibility impacts at Great Basin National Park.
- F4-29** An air quality cumulative analysis has been added to Section 4.19.3.6.1, *Air Quality*, and Appendix L, *Cumulative Analysis for Air Quality*, of this FEIS.
- F4-30** See the response to Comment F4-29. The Intermountain Power Project Phase III is addressed in the cumulative air quality analysis.
- F4-31** See the response to Comment F4-29. The Newmont Gold Coal-Fired Power Plant is addressed in the cumulative air quality analysis.

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F4-32

Jarbridge Wilderness Area, both Class I areas. Great Basin National Park suggests conducting both a Class I and Class II analysis based on the best available information.

F4-32 See the response to Comment F4-29. The Ely Energy Center is addressed in the cumulative air quality analysis.

Comment Letter F5



United States
Department of
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Forest
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File Code: 1300

Date: June 19, 2007

Jeff Weeks
Bureau of Land Management
Ely Field Office
HC33, Box 33500
Ely, NV 89301-9408,

Thank you for the opportunity to comment on the DEIS For the White Pine Energy Station Project. Below are our comments:

We believe that the DEIS inadequately addresses or recognizes impacts to National Forest Wilderness and Inventoried Roadless Areas, and to National Forest System lands in general.

- F5-1 | 1) On page 4-93, the DEIS states, "The Humboldt-Toiyabe National Forest was contacted to identify the closest designated roadless area to the Proposed power plant site. Based on information provided by the Humboldt-Toiyabe National Forest, there are currently no designated roadless areas on USFS lands in Nevada." However, I provided maps of the Inventoried Roadless Areas in August 2004 to the then Project Manager, Sue Baughman, along with the enclosed National Forest guidance (drafted by Randy Welsh, Regional Wilderness Director) on how to evaluate effect to wilderness characteristics. Much of the Inventoried Roadless Areas are now Congressionally-designated Wilderness Areas, but much remains. A map is enclosed of the nearest Inventoried Roadless Area to the WPEA.
- F5-2 | 2) On page 4-93, the DEIS states, "Impacts of 24-hour and 3-hour sulfur dioxide are significant over small portions of the High Schells, but were less than 10 percent of the applicable PSD increments." Yet in the Executive Summary, page ES-9, and elsewhere, this significant impact is ignored.
- F5-3 | 3) On page 4-115, the DEIS analyzed air quality impacts to two Class II areas, Ruby Lake National Wildlife Area and the Great Basin National Park. Later, (page 4-119), "Visibility and acid deposition impacts within Great Basin National Park are also of concern." While this discussion is valuable, there are several Class II Wilderness Areas much closer to the WPEA that are not analyzed, such as the High Schells, Mt. Moriah, and the five National Forest Wilderness Areas in the White Pine Range (Shellback, Bald Mountain, Red Mountain, Currant Mountain, and White Pine), in addition to BLM Wilderness Areas. We suggest the EIS analyze all air quality issues relative to the High Schells and other Class II areas situated much closer to the WPEA, and to National Forest Inventoried Roadless Areas.
- F5-4 | 4) On page 4-171, the DEIS states, "The power plant and some associated features could potentially be seen along slopes immediately adjacent to the valley, and from higher peaks within each Wilderness. Any potential visual impacts are discussed in detail in Section 4.7, *Visual Resources*." However, in Section 4.7, there is no mention of visual



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- F5-1** The referenced text has been corrected. Section 3.11, *Wilderness and Areas of Critical Environmental Concern*, in the DEIS has been retitled Section 3.11, *Special Designations*, in this FEIS and has been revised to note the presence of roadless areas in Nevada.
- F5-2** The use of "significant" on Page 4-93 of the DEIS referred to the modeling results in Table 4.6-6 (3rd column) of the DEIS being greater than the Prevention of Significant Deteriorations (PSD) Class II Significant Impact Levels (SIL) (in the 4th column), which triggers the cumulative increment consumption analysis (results shown in the 5th column) and the cumulative National Ambient Air Quality Standards (NAAQS) analysis (shown in the 7th column). The conclusion to this additional analysis is that the impacts do not cause or contribute to any exceedance of the applicable ambient air quality standards.
- Additional text was added throughout Chapter 4, Section 4.6.1, *Air Quality*, in this FEIS to clarify the difference between PSD and National Environmental Policy Act (NEPA) significant. Text in the DEIS described the potential impact at the High Schells Wilderness, where modeled impacts of 24-hour and 3-hour SO₂ were above the PSD SIL, which triggered additional PSD cumulative increment and NAAQS analysis. The results of this additional analysis are presented in Table 4.6-6 in this FEIS and show that neither the PSD increments nor the NAAQS were exceeded. This FEIS clarifies that the results of the PSD NAAQS analysis (that is, that the proposed Station would not cause or contribute to an exceedance of the standards) are applicable to the High Schells Wilderness; thus, negative impacts to public health and the environment would not be expected.
- F5-3** The air quality analysis does consider all Class II areas regardless of whether they are BLM or Forest Service Wilderness Areas, National Forest lands, or Roadless Areas. Page 4-94 of the DEIS specifically analyzes potential air quality effects to four nearby Wilderness Areas (three BLM areas and one Forest Service area). The air quality standards applicable to all of these areas include the NAAQS and PSD increments. In addition to protecting public health, the NAAQS are also set to protect against decreased visibility and damage to animals, crops, and vegetation. As shown in Table 4.6-6 of the DEIS and this FEIS, the White Pine Energy Station would not cause or contribute to any violation of the NAAQS or PSD increments. Thus, no adverse effects are expected for the various Class II areas cited in this comment. This FEIS includes expanded analyses of air quality effects, which are presented in Section 4.6.1, *Air Quality*, Section 4.19.3.6.1, *Air Quality*, and in Appendix L, *Cumulative Analysis for Air Quality*.
- F5-4** On Page 4-171, Column 2, 1st paragraph, the last sentence has been deleted and replaced with "Potential visual seen area impacts are discussed by alternative beginning in Section 4.7.2, *Proposed Action*." The White Pine County Conservation, Recreation, and Development Act of 2006 (P.L. 109-432) provided for the creation of 12 new Wilderness Areas and the expansion of 2 existing Wilderness Areas all to be managed by the BLM. Under Sec 325 (a) no buffer is to be established Sec. 325 (b) acknowledges that non-Wilderness activities will continue outside the boundary of the Wilderness with no affect within the Wilderness Areas. Also, see the response below to Comment F5-6.

Comment Letter F5

- F5-4 (cont.) ↑ effects to Wilderness characteristics. And none of the six KOPs (Key Observation Points) are located in any Wilderness, on any National Forest site.
- F5-5 5) In Section 4.7, *Visual Resources*, the DEIS only analyzes visual effects from the structures built in association with the power plant. However, in the previous section, 4.6, *Air Quality*, the National Park Service asserts that the power station will have significant impacts on visibility as far away as the Great Basin National Park. The EIS should analyze the visual impacts of releasing carbon dioxide, methane, nitrous oxide, lead, sulfur dioxide, nitrogen, and other emissions, especially to those areas valued for their wilderness characteristics, including Wilderness Areas and Inventoried Roadless Areas.
- F5-6 6) On page 3-126, DEIS assigns a VRM (Visual Resource Management) Class 1 to the BLM Goshute Wilderness. Class 1's management objective is, "To preserve the existing character of the landscape. The level of change to the characteristic landscape should be very low and must not attract attention." However, the DEIS does not evaluate the scenic value of any National Forest lands, including any of the National Forest Wilderness Areas or the Inventoried Roadless Areas.
- F5-7 7) On page 4-36, the DEIS states, "The Proposed Action water line ROW would affect 42 drainages that drain into Steptoe Valley from the Schell Creek Range. Two of these drainages may potentially be considered jurisdictional 'waters of the United States' and the 40 drainages are of concern to NDEP." Later, on page 4-54, the DEIS describes this impact as, "Excavation in 42 ephemeral drainages that drain Schell Creek Range...that, depending on the timing of construction, could eliminate or degrade through altered hydrology, vegetation removal, or soil compaction, seasonal aquatic habitat for amphibians or other wildlife." This very serious impact is never discussed again. In fact, the only mitigation for all biological impacts are (pg. 4-59): \$150,000 fund to BLM/NDOW to enhance 750 acres of habitat, perch deterrents on power lines, monitoring and mitigation in the evaporation pond, fencing at the evaporation pond, and monitoring springs (unclear where.) We do not believe these measures sufficiently address the possible elimination of aquatic habitat in 42 streams.
- F5-8 8) On page 3-68, the DEIS states, "Surveys were also conducted in aquatic habitats that have the potential to be impacted by the proposed project." Because we were never contacted about any surveys, we have to assume that no aquatic or wildlife surveys were completed on National Forest lands. Why not?
- F5-9 9) Figure 3.5.1 illustrates the vegetative communities; however, the area analyzed is only the area within a close proximity of the plant and other structures. On page 3-67, the DEIS describes what might have a potential to affect wildlife communities, but effects from emissions (nitrogen, mercury, et. al.) are overlooked. On page 3-76, the DEIS describes "special status species," but fails to recognize the National Forest Regional list of Sensitive Species. I have enclosed that list for you. The analysis ignores the effects from emissions, the effects to wildlife and aquatics from emissions, and the effects on National Forest Sensitive Species. Simply explaining that one meets EPA standards does not describe the effect.

F5-5 The commenter may be confusing two separate analyses in the EIS, Section 4.7, *Visual Resources*, and Section 4.6.1, *Air Quality* (which addresses Visibility Impacts). Section 4.7 discusses the impacts that would result from physical changes associated with the project (for example, buildings, stacks, towers) that may affect the visual or scenic characteristics of landscape from key observation points (KOPs). Section 4.6.1 discusses the potential visibility impacts at Class I areas that would result from the emissions of air pollutants (for example, NO_x, SO₂, and particulate matter) from the project.

Not all pollutants have an impact on visibility. Greenhouse gases such as carbon dioxide and methane do not form secondary particles that would contribute to visibility impacts. Air quality related impacts (that is, to the NAAQS and PSD increments) in Class II areas are shown in Table 4.6-6 of the DEIS and this FEIS. The NAAQS are also set to protect against decreased visibility and damage to animals, crops, and vegetation.

Additional text was added to Section 3.6.1.1, *Background Data*, in this FEIS to better define the NAAQS and Class I, II, and III areas.

F5-6 Section 4.7.2.2, *Seen Area Analysis*, of the DEIS and this FEIS discusses project features that would be visible from adjacent areas, including public lands that are administered by the U.S. Forest Service and the BLM. Figures 4.7-1 and 4.7-2 in the DEIS and this FEIS depict results of the seen area analysis for the proposed White Pine Energy Station stack, power block, and transmission lines as viewed from various locations in the analysis area. Both figures include results of the analysis as seen from the Schell Creek Range to the east, which includes the High Schells Wilderness located on Forest Service lands. The Schell Creek Range north of this Wilderness also contains four Inventoried Roadless Areas (West Schell, North Schell, Tehama Creek, McCurdy) that are located on Forest Service lands and are contained within the analysis area depicted in Figures 4.7-1 and 4.7-2.

F5-7 Potential effects on the hydrological and biological characteristics of ephemeral washes resulting from the construction and operation of the Proposed Action and Alternative 1 are discussed in Section 4.3, *Surface Water Resources*, and Section 4.5, *Biological Resources* (see Section 4.5.1, *Vegetation*, and Section 4.5.3, *Wildlife and Fisheries*), respectively, of the DEIS and this FEIS. The analysis concludes that the various linear facilities associated with the project (such as the water pipeline) would not affect the ephemeral washes they cross. Best Management Practices (BMPs) have been added to Appendix C, *Best Management Practices*, of this FEIS stating that construction activities in ephemeral washes crossed by linear features would not occur during the wet or rainy season. No mitigation is proposed beyond the BMPs contained in Appendix C regarding timing of construction activities and reclamation of disturbed areas to original conditions.

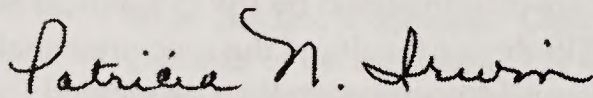
F5-8 Surveys were not required on Forest Service lands because the hydrology model does not show ground water drawdown impacts on Forest Service lands. The Proposed Action and Alternative 1 are hydrologically downgradient from surface water resources located on Forest lands. Therefore, no impacts are anticipated to occur. The surface water sections (3.3 and 4.3) and ground water sections (3.4 and 4.4) of the DEIS and this FEIS provide detailed analysis of the area of impact for surface and ground waters.

F5-9 Additional cumulative analysis was conducted for NAAQS, PSD Increment, visibility, sulfur, nitrogen, and mercury deposition. Based on the results of these additional analyses, no impacts to wildlife communities or sensitive species are expected to result from project emissions. Additional text has been added to the assessment of Station effects in Section 4.6.1 (*Air Quality*), and to the assessment of cumulative project effects in Section 4.19.3.6.1 (*Air Quality*) of this FEIS. Also, Appendix L, *Cumulative Analysis for Air Quality*, has been added to this FEIS. Given that no project features are on Forest Service land and the conclusion of the analysis in the previous text, no impacts to biological resources are expected on Forest Service lands.

Comment Letter F5

- F5-10 | 10) On page 4-269, concerning the cumulative effects of two coal-fired plants in close proximity, the DEIS states, "However, at this time no detailed emissions information or stack height information for the Ely Energy Center is available to estimate cumulative effects of the Station and the Ely Energy Center." Perhaps this information was not available at the start of the drafting of this DEIS. Certainly, since the Ely Energy Center has now provided this information to the public, and their public scoping period is long past, you now have the information you need to complete a cumulative effects analysis in the FEIS.

Sincerely,

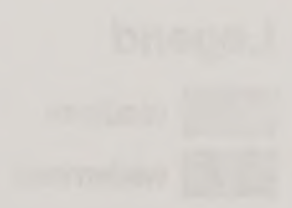


PATRICIA N. IRWIN
District Ranger

Enclosures:

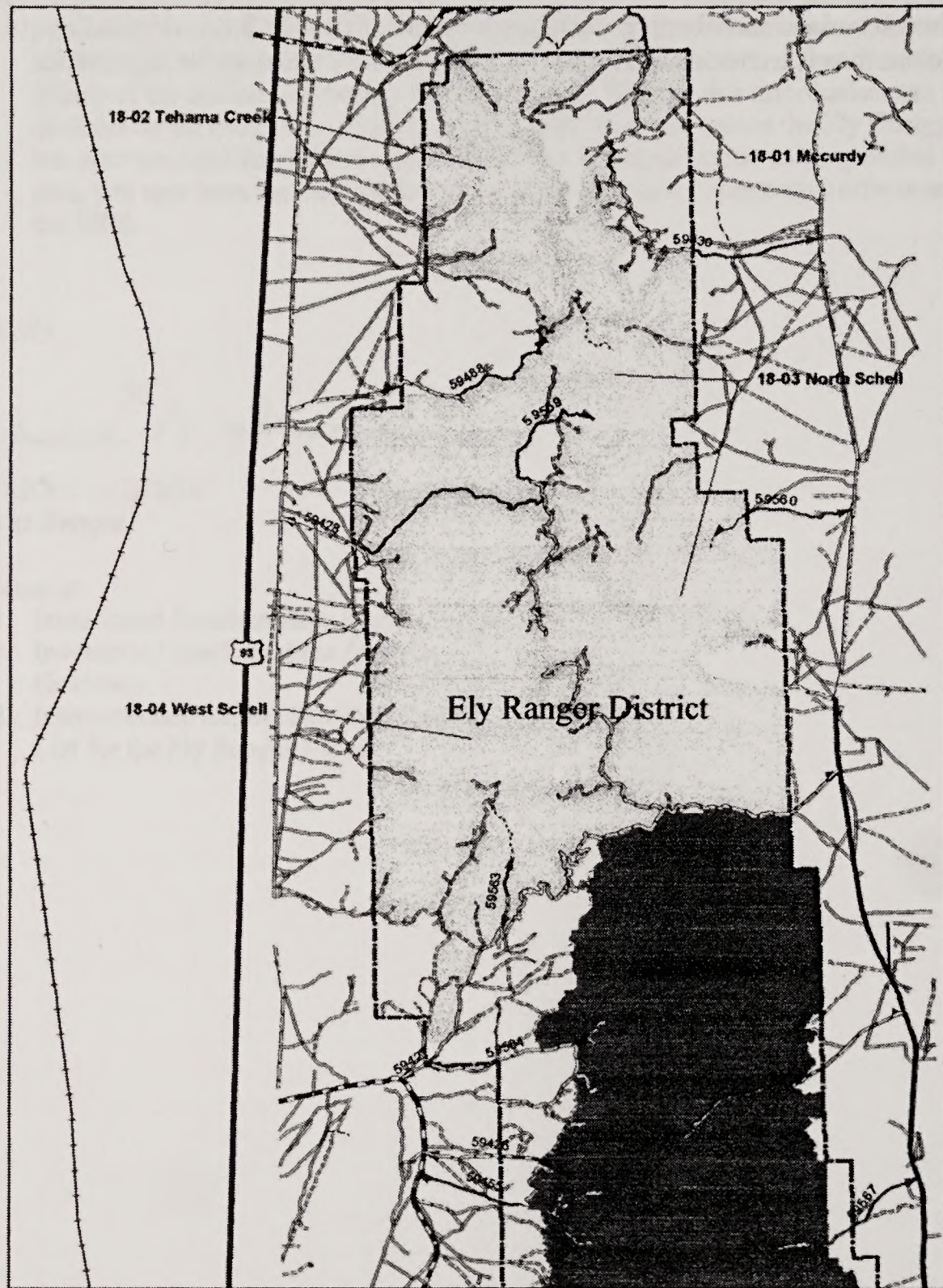
1. Inventoried Roadless Area Map
2. Inventoried Roadless Area Analysis
Guidance
3. Intermountain Region Sensitive Species
List for the Ely Ranger District

F5-10 At the time the DEIS was prepared, insufficient data were available to perform a detailed analysis of some future actions potentially affecting the area, including Nevada Power Company's proposed Ely Energy Center. Since that time, air permit applications have become available for several projects, and a cumulative analysis including existing facilities, the White Pine Energy Station Proposed Action, and the reasonably expected future actions (including Ely Energy Center) has been completed. This cumulative analysis is documented in Section 4.19.3.6.1, *Air Quality*, of this FEIS and additional information is included in Appendix L, *Cumulative Analysis for Air Quality*.


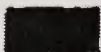


ST to 4-2015

SCHELL CREEK RANGE INVENTORIED ROADLESS AREAS



Legend

-  roadless
-  wilderness

6 Kilometers



Ely Ranger District
Sensitive Species
June 18, 2007

Fish and wildlife

Peregrine falcon (*Falco peregrinus anatum*) (Proposed)
Northern goshawk (*Accipiter gentiles*)
Flammulated owl (*Otus flammeolus*)
Sage grouse (*Centrocercus urophasianus*)
Three-toed woodpecker (*Picoides tridactylus*)
Spotted bat (*Euderma maculatum*)
Townsend's big-eared bat (*Corynorhinus townsendii*)
Pygmy rabbit (*Brachylagus idahoensis*)
Bonneville cutthroat trout (*Oncorhynchus clarki utah*)

Plants

Eastwood milkweed (*Asclepias eastwoodiana*)
Scorpion milkvetch (*Astragalus lentiginosus* var. *scorpionis*)
Currant milkvetch (*Astragalus uncialis*)
Upswept moonwort (*Botrychium ascendens*)
Dainty moonwort (*Botrychium crenulatum*)
Slender moonwort (*Botrychium lineare*)
Goodrich biscuitroot (*Cymopterus goodrichii*)
Snake Range whitlowgrass (*Draba oreibata* var. *serpentina*)
Pennell draba (*Draba pennellii*)
Nevada willowherb (*Epilobium nevadense*)
Cave Mountain fleabane (*Erigeron cavernensis*)
Basin jamesia (*Jamesia tetrapetala*)
Maguire bitterroot (*Lewisia maguirei*)
Tunnel Springs beardtongue (*Penstemon concinnus*)
Mount Moriah beardtongue (*Penstemon moriahensis*)
Marsh's bluegrass (*Poa abbreviata* var. *marshii*)
Nevada primrose (*Primula nevadensis*)
Nachlinger catchfly (*Silene nachlingerae*)
Jones' globemallow (*Sphaeralcea caespitosa* var. *williamsii*)
Currant Summit clover (*Trifolium andinum* var. *podocephalum*)
Rock violet (*Viola lithion*)

Suggestions for analyzing the effects to wilderness potential from project activities within Inventoried Roadless Areas

10/12/04

Randy Welsh

Introduction

The question often arises, "How do I analyze the effects of project activities to the wilderness potential within Inventoried Roadless Areas?" This paper is a compilation of advice and suggestions on what to include when analyzing project activity effects to the wilderness potential within Inventoried Roadless Areas. A related topic also included is a discussion about project effects to the intrinsic roadless area characteristics of Inventoried Roadless Areas. This advice would also apply to general undeveloped areas outside of, but contiguous to an Inventoried Roadless area. To round out this paper, a series of questions and answers about the recent proposed Roadless Rule, the new interim directive for road construction and timber harvest in Roadless areas, and affiliated Roadless area issues are included.

This paper does not change any existing policies. It provides a useful interpretation and methodology to apply to meet policy.

Background

This paper is addressed to those projects with activities within an Inventoried Roadless Area. For our discussion, Inventoried Roadless Areas are the set of lands identified during past Forest Planning and captured as the dataset for the Roadless Area Conservation Rule (RACR) of 2001. Several Forests have completed updates to their Roadless inventories through forest planning. This paper would also apply to those lands.

Based on existing court case law, it is essential that your project record disclose the effects of project activities to the wilderness attributes and potential of Inventoried Roadless areas. Your project is likely to be appealed and litigated if you fail to adequately describe these effects. It will be more defensible on appeal if you follow this guidance.

How do you address project activity effects to the wilderness potential of Inventoried Roadless Areas?

What is the standard of analysis?

The standard of analysis for impacts to Inventoried Roadless areas mandates that the potential adverse effects to wilderness potential be described. This is usually accomplished by discussing the effects to the wilderness attributes of the Inventoried Roadless Area. This is not the same process as examining an area for wilderness suitability during Forest Planning found in FSH 1909.12 Chapter 7. Instead it is logically tiered from that analysis to describe the specific effects of project activities to those attributes and characteristics identified during the evaluation process.

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Where is wilderness potential information located?

Wilderness attributes have been identified in the past during RARE II and during roadless evaluation during Forest Planning. Check Roadless Area Inventory appendices (Appendix C during the first round of forest planning) within your Forest Plan for possible wilderness attributes and other descriptions of wilderness potential. (Note: Forests in Utah will not have an Appendix C of Inventoried Roadless Area information because of the 1984 Utah Wilderness Act, its release language, and policy decisions made at that time.)

What are wilderness attributes?

Wilderness attributes include: Natural Integrity, Apparent Naturalness, Remoteness or Solitude, Opportunities for Primitive Recreation, Special Features (Ecological, Geologic, Scenic or Historical), and Manageability. (RARE II Wilderness Attribute Rating System, 1977)

Natural Integrity is a measure of whether the long-term ecological processes of the area are intact and operating. It describes the extent to which human influences have altered natural processes away from what one would expect without those impacts. Address this attribute by describing the impact your project activities may have on natural processes in the area and by describing any effects these changes may cause within the area.

Apparent Naturalness is a measure of past and proposed activities on the appearance of naturalness of the area to the casual observer. This is a measure of the degree of environmental modification that will occur because of your project. It tries to describe how these human influences have changed conditions within the Inventoried Roadless Area. Address this attribute by describing the extent of modification that will occur in the Roadless area, (ie. length of roads built, facilities constructed) and how apparent the impact will be to the visitors of the area in both the short-term and the long-term. Effects should be judged from a layman's point of view. Remember to include effects that may be seen, heard or smelled.

Remoteness is a measure of distance from the sights and sounds of civilization. It tries to indicate whether the visitor will experience a setting that is removed from civilization. Address this attribute by describing any sights or sounds of civilization that will occur during the projects duration or resulting after the project is finished. Also address any change in how a visitor might access the area.

Solitude is often described as opportunities to experience solitude, or the isolation from the sights, sounds, and presence of others and from the developments and evidence of man. Solitude is measured by looking at the size of the area, the presence of screening, distance from impacts to the rest of the area, and degree of permanent intrusions. Address solitude by discussing how the project activities affect the ability of a visitor to escape project impacts on solitude within the area.

Opportunities for Primitive Recreation is a measure of the experiences available to be isolated from the evidence of man, to feel a part of nature, to have a vastness of scale, and a high degree of challenge and risk while using outdoor skills. Primitive -type activities

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usually include hiking, backpacking, horseback riding, fishing, hunting, floating, kayaking, cross-country skiing, winter camping, and nature study. These activities are non-motorized and do not require improvements or facilities for comfort or convenience. The activities are characterized by meeting nature on its own terms. Address this attribute by describing how the project activities might affect the size of the area, the number and type of opportunities available, the challenge of the opportunities, and the addition or absence of facilities.

Special Features is an attribute that recognizes that wilderness may contain other values of ecological, geologic, scenic or historical or cultural significance. Unique fish and wildlife species, unique plants or plant communities, potential or existing research natural areas, outstanding landscape features, and significant cultural resource sites should all be considered as types of values that might exist. Identify any of these values that exist within the project area. Address this attribute by describing the effect proposed activities would have on these values.

Manageability is a measure of the ability to manage an area to meet the size criteria (5,000 + acres), the resulting configuration of the potential wilderness, and the interaction of the other elements above. Changes in the shape of the Inventoried Roadless Area may have significant consequences to its wilderness potential. Consider also boundary management impacts such as changing wilderness boundaries to different terrain features or for how access would be provided if project activities cause adjustments in the Inventoried Roadless Area. Address this attribute by discussing how the proposed activities may affect the boundary location, the size, the shape, and the access to the area.

What is the summary of steps to take?

Identify in the Alternatives section of your environmental document the activities and proposals that will occur within Inventoried Roadless Areas. Identify each Inventoried Roadless Area by name with the activities that are proposed therein. Identify the wilderness attributes of each affected Inventoried Roadless area in the Affected Environment. In Environmental Consequences, the evaluation of effects consists of taking each wilderness attribute in turn and describing the expected effects and consequences of the proposed activities on the existing attributes. Remember to discuss the importance or significance, or lack thereof, of each effect. If there are no effects to a wilderness attribute of the area, explicitly say there is no effect to "xyz" attribute.

How do you address project activity effects to the Inventoried Roadless Area characteristics of the area?

What is the standard of analysis?

The 2000 Roadless Area Conservation Rule identified specific characteristics for inventoried Roadless areas. These characteristics are the best criteria to use to address the effects to inventoried roadless areas and the roadless character of the area. Every project in an inventoried roadless area is more than likely to have potential effects to roadless area characteristics as an issue. If the roadless area characteristics are not relevant a simple statement to that effect is all that is necessary.

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No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

Where is roadless character information located?

Identification of roadless area characteristics is a relatively new practice. Several recent Forest Plan revision appendices have detailed roadless area characteristics for each Inventoried Roadless Area. Roadless characteristics may also have been identified during earlier project planning records for projects within inventoried roadless areas. Finally, these characteristics may be identified in the affected environment discussion of the various resource areas of the area.

What are roadless area characteristics?

Potential adverse effects to the areas roadless character can be described using the nine roadless area characteristics found in the RACR FEIS. These include:

- Soil, water and Air resources
- Sources of public drinking water
- Diversity of plant and animal communities
- Habitat for TES and species dependent on large undisturbed areas of land
- Primitive and semi-primitive classes of recreation.
- Reference landscapes for research study or interpretation
- Landscape character and integrity
- Traditional cultural properties and sacred sites
- Other locally unique characteristics.

Soil, water, and air – These three key resources are the foundation upon which other resource values and outputs depend. Healthy watersheds provide clean water for domestic, agricultural, and industrial uses; help maintain abundant and healthy fish and wildlife populations; and are the basis for many forms of outdoor recreation. Identify any unique or critical watershed resources. Describe how the project will affect these key resources areas and the habitats that depend on them.

Sources of public drinking water – NFS lands contain watersheds that are important sources of public drinking water. Careful management of these watersheds is crucial in maintaining the flow of clean water to a growing population. Identify any public drinking water systems or sources within the project area or that would be affected by the project. Describe how the project would affect water quality and quantity of the public drinking water source.

Diversity of plant and animal communities – Undeveloped areas are more likely than roaded areas to support greater ecosystem health, including the diversity of native and desired nonnative plant and animal communities, due to the absence of disturbances caused by roads and accompanying activities. Inventoried roadless areas also conserve native biodiversity, by providing areas where nonnative invasive species are rare, uncommon, or absent. Discuss the diversity of plant and animal communities. Identify any unique plant and animal communities within the area. Describe effects to the diversity of communities and impacts to populations in the areas.

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No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

Habitat for threatened, endangered, proposed, candidate, and sensitive species and for those species dependent on large, undisturbed areas of land – Inventoried roadless areas function as biological strongholds and refuges for many species. Of the nation's species currently listed as threatened, endangered, or proposed for listing under the Endangered Species Act, approximately 25% of animal species and 15% of plant species are likely to have habitat within inventoried roadless areas on NFS lands. Identify any TES or sensitive species within the Roadless area. Describe how the project would affect the habitats or populations and whether this effect is significant across the normal range and distribution of these habitats and populations.

Primitive, Semi-Primitive Non-Motorized, and Semi-Primitive Motorized classes of recreation opportunities – These areas often provide outstanding recreation opportunities such as hiking, camping, picnicking, wildlife viewing, hunting, fishing, cross-country skiing, and canoeing. While they may have many Wilderness-like attributes; unlike Wilderness, the use of mountain bikes, and other mechanized means of travel is often allowed. Describe current recreation opportunities within the Roadless area. Identify the effects of your project of the area and these activities. Describe the effect in terms of availability for similar experiences in surrounding areas or within the region of use.

Reference landscapes – The body of knowledge about the effects of management activities over long periods of time and on large landscapes is very limited. Reference landscapes can provide comparison areas for evaluation and monitoring. These areas provide a natural setting that may be useful as a comparison to study the effects of more intensely managed areas. Describe the landscape that is present. Describe any unique reference landscapes that exist within the Roadless area. Describe how the project activities might affect the reference landscape values of the Roadless area. Consider how the landscapes within the Inventoried Roadless area fits within the broader landscape and if the project creates any overall change.

Landscape character and scenic integrity – High quality scenery, especially scenery with natural-appearing landscapes, is a primary reason that people choose to recreate. In addition, quality scenery contributes directly to real estate values in neighboring communities and residential areas. Describe the current scenic quality and character of the area. Describe project effects to the scenic integrity of the area and changes to the character of the area.

Traditional cultural properties and sacred sites – Traditional cultural properties are places, sites, structures, art, or objects that have played an important role in the cultural history of a group. Sacred sites are places that have special religious significance to a group. Traditional cultural properties and sacred sites may be eligible for protection under the National Historic Preservation Act. However, many of them have not yet been inventoried, especially those that occur in inventoried roadless areas. Identify generically any significant cultural resources within the Roadless area and describe the effect of the project on these resources. Typically mitigation will be designed to prevent significant effects to these resources.

Other locally identified unique characteristics – Inventoried roadless areas may offer unique characteristics and values that are not covered by the other characteristics. Examples include uncommon geological formations, which are valued for their scientific and scenic qualities,

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No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

or unique wetland complexes. Unique social, cultural, or historical characteristics may also be dependent on the roadless character of the landscape. Examples include ceremonial sites, places for local events, areas prized for collection of non-timber forest products, or exceptional hunting and fishing opportunities. Identify any locally unique characteristics and describe how the project would affect these values.

What is the summary of steps to take?

Identify in the Alternatives section of your environmental document the activities and proposals that will occur within Inventoried Roadless Areas. Identify each Inventoried Roadless Area by name with the activities that are proposed therein. Identify the roadless characteristics of each affected Inventoried Roadless area in the Affected Environment. In Environmental Consequences, the evaluation of effects consists of taking each roadless area characteristic in turn and describing the expected effects and consequences of the proposed activities on the existing characteristics. Remember to discuss the importance or significance, or lack thereof, of each effect. If there are no effects to a roadless area characteristic of the area, explicitly say there is no effect to "xyz" characteristic.

Why is roadless area characteristic analysis important?

Recent court challenges increase the need to cover these roadless characteristics in your effects analysis. There are some overlaps in the Roadless characteristics with those of the wilderness attributes. Address each in turn in the appropriate section of the analysis. When dealing with wilderness attributes you are looking at the characteristic and the potential for wilderness designation. When looking at the characteristics for Inventoried Roadless values you are describing existing situations and the potential to continue them in the future. Don't combine these analyses, create separate sections for them in your documents.

Considerations for Appropriate NEPA Documentation.

Typically projects in Roadless areas are analyzed within an Environmental Impact Statement (EIS). Consider the significance of the effects, such as duration of the activity, extent of area affected and potential change in the character of the area in order to determine which type of documentation to use.

For use of a Categorical Exclusion, the project activity must be clearly within the parameters specified within an appropriate CE category. Because an inventoried Roadless area is a resource condition with potential extraordinary circumstances you must consider whether the project activities are likely to have a significant effect on Roadless quantity, quality or character. If there is the potential for a significant effect then either complete an EA or an EIS. A CE can be used only when you can clearly show no resources conditions exist leading to extraordinary circumstances that would trigger an EA or EIS.

When Roadless effects are unknown but an adverse effect is suspected, complete the environmental analysis to determine significance of effects. Document the analysis in an EA if there is no significant effect to the area.

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No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

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When it is likely there are significant effects to an inventoried Roadless area, such as projects affecting a significant portion of the area, or likely adverse effects to its wilderness potential, then complete an EIS.

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No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

Comments were received from the following individuals, groups, and organizations:

1. [Name] - [Address] - [City, State, Zip] - [Phone Number]

2. [Name] - [Address] - [City, State, Zip] - [Phone Number]

3. [Name] - [Address] - [City, State, Zip] - [Phone Number]

4. [Name] - [Address] - [City, State, Zip] - [Phone Number]

5. [Name] - [Address] - [City, State, Zip] - [Phone Number]

6. [Name] - [Address] - [City, State, Zip] - [Phone Number]

7. [Name] - [Address] - [City, State, Zip] - [Phone Number]

8. [Name] - [Address] - [City, State, Zip] - [Phone Number]

Questions and Answers about Roadless Area analysis, Roadless Interim Directives and other related topics

Q. Why do I have to look at the wilderness potential of roadless areas affected by my project? Didn't I do this in the Forest Plan?

A. You don't have to look at the wilderness potential (or suitability) during project planning. Or make any recommendations about whether the area should be wilderness or not. You did that during Forest Planning. Instead the analysis you are doing is to address the effects of your project proposal on the wilderness characteristics or attributes that were identified when you looked at an area's wilderness potential. This analysis answers the question: How will the project affect the attributes of the area that would be considered in a future wilderness suitability review? The end result is a description of how the project affects the areas wilderness attributes, and some conclusions about whether it would affect, all, part or none of the areas wilderness potential in the future.

Q. Should I consider fuels treatment projects in Roadless areas?

A. Yes. The Roadless Rule allowed for these actions in Inventoried Roadless Areas. We need to work with communities to develop Community Wildfire Protection Plans and if those plans identify high priority fuels treatments in roadless within the WUI or protection zone, we should move forward under the authorities of HFRA to analyze the effects of these projects and use appropriate NEPA procedures/documentation. The collaborative process used to develop Community Wildfire Protection Plans is an important component of the HFRA. Under HFRA, the Forest Service may participate in the development of the Community Plans under a HFRA exemption to FACA.

Q. How do I address changes to the Roadless inventory in project planning?

A. The Roadless Area Conservation Rule established the official record of inventoried Roadless areas. This dataset established the boundaries that the Rule affects. During project level planning you may review these boundaries, but not change them. You should disclose inventory errors as part of your project analysis. During Forest Plan revision, an updated inventory of Roadless areas will be conducted.

Q. How should we handle analysis of effects to unroaded areas?

A. We must respond to issues and concerns raised by the public regarding the effect of our project proposals on undeveloped areas. However, do not inventory or establish separate mapping or criteria for unroaded areas. The term "unroaded" is used as part of the 2000 Planning Rule. We have no regulation, policy or law to move us in this direction. Consequently we should not create a new requirement for ourselves where one does not already exist. Describe effects to undeveloped areas as you would normally within each

RWelsh 10.12.2004

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

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Comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

resource area, by describing how the resource depends on the undeveloped character of the area and how it might be affected by development proposed in your project.

Q. How should I consider undeveloped areas contiguous to inventoried roadless areas?

A. In response to the recent Lolo NF court case discussions have been ongoing about whether and how to conduct an analysis of areas contiguous to inventoried roadless areas. Our conclusion has been to avoid the appearance of creating an unroaded analysis process. However, because of the Lolo court case it is prudent for us to include unroaded areas that are contiguous to inventoried roadless areas in the roadless area analysis of those IRA's. Consider these acres and the effects as if they were a part of the broader IRA. Include analysis of effects to wilderness attributes and roadless area characteristics. During Forest Plan revision reconsider these contiguous areas for their wilderness potential as part of roadless area inventory and evaluation.

Q. How should we analyze project effects in unroaded areas greater than 5000 acres not identified in the past as IRA's?

A. Go ahead and include analysis of effects to wilderness attributes and roadless area characteristics. We will pick these areas up during the next round of planning and do roadless area evaluation for their wilderness potential at that time. Until then we should still discuss project effects to wilderness attributes and their roadless characteristics.

Q. How should we analyze effects in unroaded areas less than 5000 acres, not contiguous to an IRA?

A. If concerns are raised regarding these areas discuss project effects to the normal range of resource areas. Also include an assessment in cumulative effects on the area's unroaded and undeveloped character as part of the appropriate resource section. Do not create a separate resource section for "unroaded" areas in your analysis. There are no specific criteria for this assessment, like we have for inventoried roadless areas. It may include pieces of the roadless area characteristics that are not size dependent.

Q. What analysis is needed to classify an existing unclassified road?

A. By definition, when an unclassified road is added to the system, i.e. becomes a classified road and, as such, adds classified road miles, it would be considered new construction, requiring Roads Analysis and a NEPA decision (FSM 7712.13c, paragraph 3). This has been confirmed by WO Engineering.

RWelsh 10.12.2004

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

1. The project is located in a sensitive area and the project is a large scale project. The project is a large scale project and the project is a large scale project.

2. The project is a large scale project and the project is a large scale project. The project is a large scale project and the project is a large scale project.

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4. The project is a large scale project and the project is a large scale project. The project is a large scale project and the project is a large scale project.

5. The project is a large scale project and the project is a large scale project. The project is a large scale project and the project is a large scale project.

6. The project is a large scale project and the project is a large scale project. The project is a large scale project and the project is a large scale project.

Q. Does an oil and gas leasing decision which allows surface occupancy trigger the Interim Directive delegations of authorities. Which of leasing steps actually permits roads into the roadless area.?

A. Since an oil and gas leasing decision is a sequenced decision process that first provides for a lease, and second permits an actual plan of operation, only the operations decision triggers the Interim Directive delegations. Our decision to make it available for lease does not necessarily commit us to a road in the inventoried roadless area. There is now new case law out of Colorado that allows us to deny road access when there are limited or standard lease stipulations in force. Leasing availability does not commit the FS to road access on a lease parcel, therefore, the decision will stay at the Forest level.

Q. What Forests have met the Transportation Policy requirements for a Forest scale Roads Analysis?

A. All Forests except the Ashley National Forest have completed a Forest scale Roads analysis. Six National Forests (Boise, Sawtooth, Payette, Caribou, Wasatch-Cache, and Uinta) have incorporated the roads analysis into their Forest plan revision. Six Forests (Targhee, Humboldt-Toiyabe, Salmon-Challis, Manti-LaSal, Dixie, and Fishlake) have made determinations that a forest plan amendment is not necessary. However, two forests, (Bridger-Teton and Ashley) still need to make a determination of whether it is necessary to amend their Forest Plans.

Q. So how does the Roadless Interim Directive apply to particular Forests who proceed with converting unclassified routes to classified roads?

A. The Chief has reserved authority for road construction/reconstruction activities unless a forest scale roads analysis is completed and either incorporated into the Forest Plan by amendment, or a determination is made by the Forest Supervisor that an amendment is not needed. Within Region 4, two forests have yet to complete the roads analysis process determinations. These Forests include the Bridger-Teton and Ashley. Unless the road conversion qualifies under one of the seven exceptions reserved to the Regional Forester, road conversion projects that are considered new road construction would require a Chief's decision. The road construction projects that fit within the seven exceptions require a Regional Forester decision.

RWelsh 10.12.2004

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

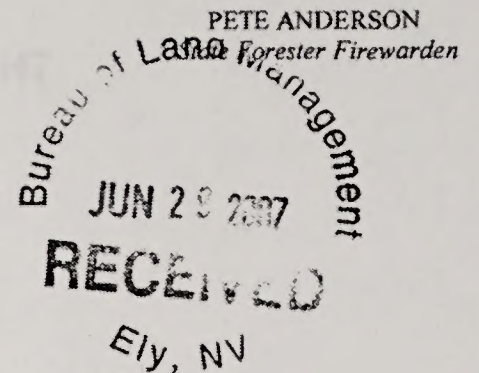
Appendix S

Responses to State and Local Comments on the DEIS

Comment Letter S1

ALLEN BIAGGI, *Director*
Department of Conservation
And Natural Resources

JIM GIBBONS
Governor



STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
NEVADA DIVISION OF FORESTRY
2478 Fairview Drive
Carson City, Nevada 89701
Phone (775) 684-2500 Fax (775) 684-2570

MEMORANDUM

June 21, 2007

To: Field Manager, Ely Field Office, Bureau of Land Management
(Attention: Jeffrey Weeks)

From: Rich Harvey, Resource Program Coordinator, Nevada Division of Forestry *RA*

Subject: Comments on Draft Environmental Impact Statement for the White Pine Energy
Station Project (DES 07-19)

The Nevada Division of Forestry has had opportunity to review the Bureau of Land Managements Draft Environmental Impact Statement (DEIS) for the proposed White Pine Energy Station. We are concerned about the potential impacts of this project on the Monte Neva paintbrush (*Castilleja salsuginosa*), a species fully protected under Nevada Revised Statute.

Specifically we are concerned about the potential groundwater drawdown impact on the Monte Neva paintbrush. Our records document two populations of this species in the world, not 10 as cited in the DEIS (page 3-96). These two populations, at Monte Neva Hot Springs in White Pine County and Hot Springs Hill in Eureka County, appear restricted to highly saturated soils with near-surface groundwater. Even small drops in near-surface groundwater levels could reduce or eliminate habitat for this species. The general model used in the DEIS shows a potential drawdown of up to two feet in local groundwater level within about a mile of the Monte Neva site over the life of the power plant, and the DEIS notes that this drawdown is likely to be exacerbated by the cumulative effects of other proposed projects in the area.

S1-1

We believe that this project may affect the long-term viability of the Monte Neva paintbrush and recommend that the final Environmental Impact Statement (EIS) include a detailed analysis of the potential impacts to this species.

We appreciate the opportunity to review and comment on the DEIS for the White Pine Energy Station Project. If you have any questions, please feel free to contact me at (775) 684-2507

Rich Harvey

cc: Pete Anderson
Bob Ashworth

Allen Biaggi
Kay Scherer

Glenn Clemmer
Jim Morefield

File

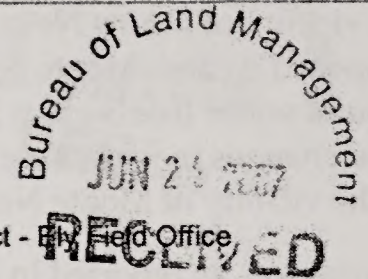
S1-1

As shown in Figure 4.4-2 in the DEIS and this FEIS, Monte Neva Hot Springs are located between approximately 1.5 and 2 miles south of where the ground water model predicted a maximum decline in the local ground water table of approximately 2 feet as a result of ground water withdrawals (maximum drawdown scenario) for the Proposed Action. Accordingly, the decline in water table in the vicinity of Monte Neva Hot Springs is anticipated to be less than 2 feet over the life of the Proposed Action. Monte Neva Hot Springs occur as a result of the discharge of regionally flowing ground water (see Section 3.4.2.5.2, *Geothermal Springs*, in this FEIS), and their discharge is not tied to local changes in water level because of local pumping. Historical fluctuations in the local water table in the vicinity of Monte Neva Hot Springs exceed 2 feet (see Figure 3.4-3 in this FEIS).

In addition, as reported in Podborny (2007) a U.S. Fish and Wildlife Service (specialist visited the Monte Neva Hot Springs area and determined that the Monte Neva paintbrush is supported by shallow ground water resulting from snowmelt during the spring, and is not dependent on ground water flows from the Monte Neva Hot Springs or any other springs. The Monte Neva paintbrush would not be impacted by the proposed project. Section 3.5.4.3.3, *Special Status Plant Species*, and Section 4.5.4.1.4, *Impacts to BLM and State of Nevada Sensitive and Protected Plant Species*, in this FEIS have been modified to reflect these findings.

Rich Harvey

From: James Morefield
Sent: Thursday, June 21, 2007 4:42 PM
To: Rich Harvey
Cc: James Morefield
Subject: RESEND: E2007-323 DEIS for The White Pine Energy Station Project - Ely Field Office



Rich, I've been having problems with emails not going through this afternoon. Please let me know if you get this one -- thanks.

-----Original Message-----

From: James Morefield [mailto:jdmore@heritage.nv.gov]
Sent: 21 June 2007 13:03
To: 'Rich Harvey'
Subject: FW: E2007-323 DEIS for The White Pine Energy Station Project - Ely Field Office
Importance: High

-----Original Message-----

From: James Morefield [mailto:jdmore@heritage.nv.gov]
Sent: 15 June 2007 12:37
To: 'Clearinghouse'
Subject: RE: E2007-323 DEIS for The White Pine Energy Station Project - Ely Field Office
Importance: High

Dear Gosia,

I missed the deadline for this one, but noticed that the agency deadline was June 19th, so I'm hoping these comments can still get into the State response, or at least be forwarded separately. Please let me know. Our comments are in the email form below. Thanks,

--Jim Morefield

^^

James D. Morefield, Ph.D., Botanist & Webmaster
State of Nevada
Department of Conservation & Natural Resources
Nevada Natural Heritage Program
Richard H. Bryan Building
901 South Stewart Street, suite 5002
Carson City NV 89701-5245 U.S.A.
direct tel: (775) 684-2902
general tel: (775) 684-2900
email: jdmore@heritage.nv.gov
web: <http://heritage.nv.gov>

^^

-----Original Message-----

From: Clearinghouse [mailto:clearinghouse@budget.state.nv.us]
Sent: 03 May 2007 11:45
To: jdmore@heritage.nv.gov
Subject: E2007-323 DEIS for The White Pine Energy Station Project - Ely Field Office

6/22/2007

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

NEVADA STATE CLEARINGHOUSE

Department of Administration, Budget and Planning Division
209 East Musser Street, Room 200, Carson City, Nevada 89701-4298
(775) 684-0209 Fax (775) 684-0260

DATE: May 3, 2007

Natural Heritage Program

Nevada SAI # E2007-323

Project: DEIS for The White Pine Energy Station Project

Follow the link below to download an Adobe PDF document concerning the above-mentioned project for your review and comment.

<http://budget.state.nv.us/clearinghouse/Notice/2007/E2007-323.htm>

Please evaluate it with respect to its effect on your plans and programs; the importance of its contribution to state and/or local

areawide goals and objectives; and its accord with any applicable laws, orders or regulations with which you are familiar.

Please submit your comments no later than Tuesday, June 12, 2007.

Use the space below for short comments. If significant comments are provided, please use agency letterhead and include the Nevada SAI number and comment due date for our reference. Questions? Gosia Sylwestrzak, (775) 684-0209 or <mailto:clearinghouse@budget.state.nv.us>.



No comment on this project Proposal supported as written

AGENCY COMMENTS: We are concerned about potential groundwater drawdown impacts to a State-listed plant species, Monte Neva paintbrush. Contrary to statements on page 3-96 of the DEIS, the ONLY known populations of this species in the world are at Monte Neva Hot Springs, and at Hot Spring Hill in northern Eureka County. There are no additional populations in the Egan and Schell Creek ranges, nor anywhere else. Based on previous visits to both known populations, the species appears restricted to habitats maintained by near-surface groundwater, rather than directly by spring flows. Even small drops in near-surface groundwater levels could reduce or eliminate habitat for this species, and contribute to a trend toward federal listing as a Threatened or Endangered species. If at all possible, project components should be relocated so as not to contribute to such a trend, whether by direct, indirect, or cumulative impacts.

There are other statements on page 3-96 that need correction. Snake Range whitlow cress is NOT state listed as endangered and is NOT a federal Candidate for listing. Sunnyside Green Gentian is also not a federal Candidate.

On pages 3 - 77-78, in section 3.5.4.1.6, the statement that "The State of Nevada does not have a list of designated threatened and endangered species" is incorrect, especially in light of the statements made on page 3-96. And the state list of plants maintained under N.R.S. 527 is administered by the Nevada Division of Forestry (NDF), not NDOW.

Signature: James D. Morefield Date: 15 June 2007

Distribution:

Sandy Quilici, Department of Conservation & Natural Resources
Stephanie Martensen, Division of Emergency Management
Alan Di Stefano, Economic Development
Kathy Dow, Economic Development
Chad Hastings, Fire Marshal
Stan Marshall, State Health Division

6/22/2007

Sherry Rupert, Indian Commission
Skip Canfield, AICP, Division of State Lands
Alan Coyner, Commission on Minerals
D. Driesner, Commission on Minerals
Christy Morris, Commission on Minerals
Sandi Gotta, Division of Conservation Districts
John Walker, Nevada Division of Environmental Protection
Catherine Cuccaro, Department of Transportation
Anthony Grossman, Department of Wildlife, Director's Office
Steve Foree, Department of Wildlife, Elko
D. Bradford Hardenbrook, Department of Wildlife, Las Vegas
Robert Martinez, Division of Water Resources
James D. Morefield, Natural Heritage Program
Joseph C. Strolin, Agency for Nuclear Projects
Steve Weaver, Division of State Parks
Mark Harris, PE, Public Utilities Commission
Pete Konesky, State Energy Office
Rebecca Palmer, State Historic Preservation Office
John Muntean, UNR Bureau of Mines
Jon Price, UNR Bureau of Mines
Russ Land, Nevada Division of Environmental Protection
Gosia Sylwestrzak, zzClearinghouse
Reese Tietje, zzClearinghouse -Reese
Maud Naroll, zzClearinghouse-Maud
Gosia Sylwestrzak, zzClearinghouse -Gosia

6/22/2007

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

Comment Letter S2

JIM GIBBONS
Governor

STATE OF NEVADA

ANDREW K. CLINGER
Director



DEPARTMENT OF ADMINISTRATION

209 E. Musser Street, Room 200
Carson City, Nevada 89701-4298
(775) 684-0222
Fax (775) 684-0260
<http://www.budget.state.nv.us/>



June 14, 2007

Jeffrey Weeks
US Department of the Interior
Bureau of Land Management
Ely Field Office
HC 33 Box 33500
702 No. Industrial Way
Ely, NV 89301-9408

Re: SAI NV # E2007-323

Reference: 2850 (NV040) N-78091

Project: DEIS for The White Pine Energy Station Project

Dear Jeffrey Weeks:

Enclosed are comments from the agencies listed below regarding the above referenced document. Please address these comments or concerns in your final decision.

Division of State Lands

Division of Water Resources

State Historic Preservation Office

This constitutes the State Clearinghouse review of this proposal as per Executive Order 12372. If you have questions, please contact me at (775) 684-0209.

Sincerely,

A handwritten signature in black ink, appearing to read "Gosia Sylwestrzak".
Gosia Sylwestrzak
Nevada State Clearinghouse

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

Comment Letter S2

RE: E2007-323 DEIS for The White Pine Energy Station Project - Ely Field Office

Page 1 of 3

STATEMENTS WITHIN THE DEIS MENTION THE MITIGATION OF THE ISSUES ADDRESSED BELOW. HOWEVER, THIS AGENCY FEELS IT IMPORTANT TO STATE CONCERNS REGARDING THE IMPACTS TO VISUAL RESOURCES.

The Nevada Division of State Lands provides the following comments:

There is a concern about the cumulative visual impacts to public lands users' experiences.

Although one project might seem insignificant, and even those that are only temporary, in the big picture, as we employ the multiple use concepts of our public lands, please consider a comprehensive and consistent look at visual impacts and how very small and inexpensive mitigation measures can make a big difference.

- S2-1 | 1. Utilize consistent lighting mitigation measures that follow "Dark Sky" lighting practices. Please see www.darksky.org. Dark sky measures are inexpensive, simple to implement, and very mainstream. The result is a less obtrusive impact to other users of adjacent public lands.

Effective lighting should have screens that do not allow the bulb to shine up or out. In fact, lighting that is installed using dark sky fixtures (light is only aimed at the subject property) is more efficient, safer, and results in reduced electricity costs.

- S2-2 | 2. Utilize consistent mitigation measures that address logical placement of improvements and use of appropriate screening and structure colors. Existing utility corridors, roads and areas of disturbed land should be utilized wherever possible.

--A good example is the use of a paint color called "sudan brown" for water tanks and other vertical structures. Using screening, careful site placement, and cognitive use of earth-tone colors/materials that match the environment go a long way to improve the user experience for others who might have different values than what is fostered by built environment activities.

Skip Canfield, AICP
State Land Use Planning Agency

-----Original Message-----

From: Clearinghouse [<mailto:clearinghouse@budget.state.nv.us>]

Sent: Thursday, May 03, 2007 11:45 AM

To: Skip Canfield

Subject: E2007-323 DEIS for The White Pine Energy Station Project - Ely Field Office

NEVADA STATE CLEARINGHOUSE

Department of Administration, Budget and Planning Division

209 East Musser Street, Room 200, Carson City, Nevada 89701-4298

(775) 684-0209 Fax (775) 684-0260

DATE: May 3, 2007

Division of State Lands

Nevada SAI # E2007-323

Project: DEIS for The White Pine Energy Station Project

Follow the link below to download an Adobe PDF document concerning the above-mentioned project for your review and comment.

<http://budget.state.nv.us/clearinghouse/Notice/2007/E2007-323.htm>

<https://mail.state.nv.us/exchange/Clearinghouse/Inbox/RE:%20E2007-323%20DEIS%20f...> 6/11/2007

S2-1 White Pine Energy Associates (WPEA) has committed to follow Dark Sky lighting practices. These measures are described in Appendix C (*Best Management Practices*), Visual Resources, Item 4 (page C-9) of the DEIS and this FEIS. These measures are consistent with the guidelines contained in "Simple Guidelines for Lighting Regulations" found at www.darksky.org. These Dark Sky guidelines have the following purposes: (1) permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night; (2) curtail and reverse any degradation of the nighttime visual environment and the night sky; (3) minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary; (4) conserve energy and resources to the greatest extent possible; and (5) help protect the natural environment from the damaging effects of night lighting.

S2-2 WPEA has committed to using non-glare surfaces and screening of project features. These measures are described in Appendix C (*Best Management Practices*), Visual Resources (Page C-9) of the DEIS and this FEIS. Designated utility corridors and existing roads will be used to the extent practicable during project construction and operation.

Comment Letter S2

RE: E2007-323 DEIS for The White Pine Energy Station Project - Ely Field Office

Page 2 of 3

Please evaluate it with respect to its effect on your plans and programs; the importance of its contribution to state and/or local areawide goals and objectives; and its accord with any applicable laws, orders or regulations with which you are familiar.

Please submit your comments no later than Tuesday, June 12, 2007.

Use the space below for short comments. If significant comments are provided, please use agency letterhead and include the Nevada SAI number and comment due date for our reference. Questions? Gosia Sylwestrzak, (775) 684-0209 or <mailto:clearinghouse@budget.state.nv.us>.

☐ No comment on this project ☐ Proposal supported as written

AGENCY COMMENTS:

Signature:

Date:

Distribution:

Sandy Quilici, Department of Conservation & Natural Resources
Stephanie Martensen, Division of Emergency Management
Alan Di Stefano, Economic Development
Kathy Dow, Economic Development
Chad Hastings, Fire Marshal
Stan Marshall, State Health Division
Sherry Rupert, Indian Commission
Skip Canfield, AICP, Division of State Lands
Alan Coyner, Commission on Minerals
D. Driesner, Commission on Minerals
Christy Morris, Commission on Minerals
Sandi Gotta, Division of Conservation Districts
John Walker, Nevada Division of Environmental Protection
Catherine Cuccaro, Department of Transportation
Anthony Grossman, Department of Wildlife, Director's Office
Steve Foree, Department of Wildlife, Elko
D. Bradford Hardenbrook, Department of Wildlife, Las Vegas
Robert Martinez, Division of Water Resources
James D. Morefield, Natural Heritage Program
Joseph C. Strolin, Agency for Nuclear Projects
Steve Weaver, Division of State Parks
Mark Harris, PE, Public Utilities Commission
Pete Konesky, State Energy Office
Rebecca Palmer, State Historic Preservation Office
John Muntean, UNR Bureau of Mines
Jon Price, UNR Bureau of Mines
Russ Land, Nevada Division of Environmental Protection
Gosia Sylwestrzak, zzClearinghouse
Reese Tietje, zzClearinghouse -Reese

<https://mail.state.nv.us/exchange/Clearinghouse/Inbox/RE:%20E2007-323%20DEIS%20f...> 6/11/2007

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

Hi Gosia:

Please attach this picture to my comments that I just sent you.

This is an example of what **NOT TO DO** to effectively screen a project. This site is off US 50 at Robinson Summit, within the BLM Ely District.

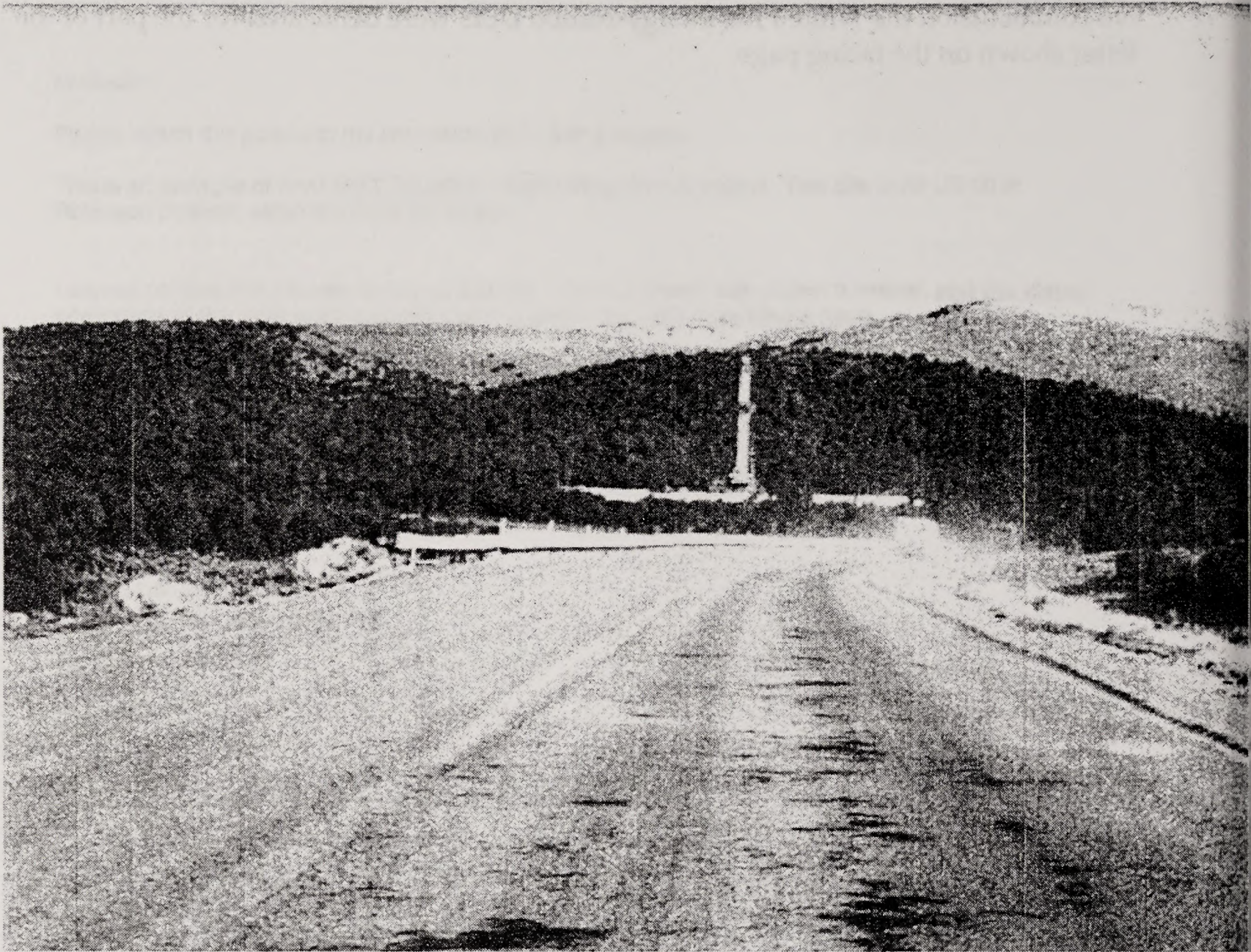
I am not positive that this site is on public lands. This is a brand new project however, **and the visual screening of the built environment was not even remotely considered here.**

This is an example of what can happen all over Nevada, and cumulatively, have large impacts on other multiple use interests of our public lands.

-Skip

Skip Canfield, AICP
Senior Planner
Nevada Division of State Lands
State Land Use Planning Agency
901 South Stewart Street, Suite 5003
Carson City, NV 89701
775-684-2723
FAX 684-2721
www.lands.nv.gov

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.



No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

JIM GIBBONS
Governor

STATE OF NEVADA

ANDREW K. CLINGER
Director



DEPARTMENT OF ADMINISTRATION

209 E. Musser Street, Room 200
Carson City, Nevada 89701-4298
(775) 684-0222
Fax (775) 684-0260
<http://www.budget.state.nv.us/>



June 15, 2007

Jeffrey Weeks
Bureau of Land Management
Ely Field Office
HC 33 Box 33500
702 No. Industrial Way
Ely, NV 89301-9408

Re: SAI NV # E2007-323

Reference: 2850 (NV040) N-78091

Project: DEIS for The White Pine Energy Station Project

Dear Jeffrey Weeks:

Enclosed are additional comments from the following agencies regarding the above referenced document:

Natural Heritage Program

These comments were received after our previous letter to you. Please incorporate these comments into your decision making process. If you have questions, please contact me at (775) 684-0209.

Sincerely,

Gosia Sylwestrzak
Gosia Sylwestrzak
Nevada State Clearinghouse

Enclosure

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

i You replied on 6/15/2007 12:43 PM.
This message was sent with high Importance.

Planning Section

From: James Morefield [jdmore@heritage.nv.gov] **Sent:** Fri 6/15/2007 12:37 PM
To: Planning Section
Cc:
Subject: RE: E2007-323 DEIS for The White Pine Energy Station Project - Ely Field Office
Attachments:

Dear Gosia,

I missed the deadline for this one, but noticed that the agency deadline was June 19th, so I'm hoping these comments can still get into the State response, or at least be forwarded separately. Please let me know. Our comments are in the email form below. Thanks,

--Jim Morefield

~~~~~

James D. Morefield, Ph.D., Botanist & Webmaster  
State of Nevada  
Department of Conservation & Natural Resources  
Nevada Natural Heritage Program  
Richard H. Bryan Building  
901 South Stewart Street, suite 5002  
Carson City NV 89701-5245 U.S.A.

direct tel: (775) 684-2902  
general tel: (775) 684-2900  
email: [jdmore@heritage.nv.gov](mailto:jdmore@heritage.nv.gov)  
web: <http://heritage.nv.gov>

~~~~~

-----Original Message-----

From: Clearinghouse [<mailto:clearinghouse@budget.state.nv.us>]
Sent: 03 May 2007 11:45
To: jdmore@heritage.nv.gov
Subject: E2007-323 DEIS for The White Pine Energy Station Project - Ely Field Office

NEVADA STATE CLEARINGHOUSE
Department of Administration, Budget and Planning Division
209 East Musser Street, Room 200, Carson City, Nevada 89701-4298
(775) 684-0209 Fax (775) 684-0260
DATE: May 3, 2007

Natural Heritage Program

Nevada SAI # E2007-323
Project: DEIS for The White Pine Energy Station Project

Follow the link below to download an Adobe PDF document concerning the

<https://mail.state.nv.us/exchange/Clearinghouse/Inbox/RE:%20E2007-323%20DEIS%20f...> 6/15/2007

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

above-mentioned project for your review and comment.

<http://budget.state.nv.us/clearinghouse/Notice/2007/E2007-323.htm>

Please evaluate it with respect to its effect on your plans and programs; the importance of its contribution to state and/or local areawide goals and objectives; and its accord with any applicable laws, orders or regulations with which you are familiar.

Please submit your comments no later than Tuesday, June 12, 2007.

Use the space below for short comments. If significant comments are provided, please use agency letterhead and include the Nevada SAI number and comment due date for our reference. Questions? Gosia Sylwestrzak, (775) 684-0209 or <mailto:clearinghouse@budget.state.nv.us>.

☐ No comment on this project ☐ Proposal supported as written

- S3-1 AGENCY COMMENTS: We are concerned about potential groundwater drawdown impacts to a State-listed plant species, Monte Neva paintbrush. Contrary to statements on page 3-96 of the DEIS, the ONLY known populations of this species in the world are at Monte Neva Hot Springs, and at Hot Spring Hill in northern Eureka County. There are no additional populations in the Egan and Schell Creek ranges, nor anywhere else. Based on previous visits to both known populations, the species appears restricted to habitats maintained by near-surface groundwater, rather than directly by spring flows. Even small drops in near-surface groundwater levels could reduce or eliminate habitat for this species, and contribute to a trend toward federal listing as a Threatened or Endangered species. If at all possible, project components should be relocated so as not to contribute to such a trend, whether by direct, indirect, or cumulative impacts.
- S3-2
- S3-3 There are other statements on page 3-96 that need correction. Snake Range whitlow cress is NOT state listed as endangered and is NOT a federal Candidate for listing. Sunnyside Green Gentian is also not a federal Candidate.
- S3-4 On pages 3 - 77-78, in section 3.5.4.1.6, the statement that "The State of Nevada does not have a list of designated threatened and endangered species" is incorrect, especially in light of the statements made on page 3-96. And the state list of plants maintained under N.R.S. 527 is administered by the Nevada Division of Forestry (NDF), not NDOW.

Signature: James D. Morefield

Date: 15 June 2007

Distribution:

Sandy Quilici, Department of Conservation & Natural Resources
Stephanie Martensen, Division of Emergency Management
Alan Di Stefano, Economic Development
Kathy Dow, Economic Development

<https://mail.state.nv.us/exchange/Clearinghouse/Inbox/RE:%20E2007-323%20DEIS%20f...> 6/15/2007

- S3-1** As discussed in the response to Comment S1-1, the Monte Neva paintbrush would not be impacted by the proposed project. As reported in Podborny (2007), a U.S. Fish and Wildlife Service specialist visited the Monte Neva Hot Springs area and determined that the Monte Neva paintbrush is supported by shallow ground water resulting from snowmelt during the spring, and is not dependent on ground water flows from the Monte Neva Hot Springs or any other springs. See the response to Comment S1-1 for further discussion.
- S3-2** See the response to Comments S1-1 and S3-1. The Monte Neva paintbrush would not be impacted by the proposed project.
- S3-3** Text in this FEIS has been revised as suggested.
- S3-4** Text in this FEIS has been revised as suggested.

5/31

Rebecca Palmer

From: Clearinghouse [clearinghouse@budget.state.nv.us]
Sent: Thursday, May 03, 2007 11:46 AM
To: Rebecca Palmer
Subject: E2007-323 DEIS for The White Pine Energy Station Project - Ely Field Office

NEVADA STATE CLEARINGHOUSE
Department of Administration, Budget and Planning Division
209 East Musser Street, Room 200, Carson City, Nevada 89701-4298
(775) 684-0209 Fax (775) 684-0260
DATE: May 3, 2007

RECEIVED

JUN 11 2007

State Historic Preservation Office

DEPARTMENT OF ADMINISTRATION
OFFICE OF THE DIRECTOR
BUDGET AND PLANNING DIVISION

Nevada SAI # E2007-323
Project: DEIS for The White Pine Energy Station Project

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<http://budget.state.nv.us/clearinghouse/Notice/2007/E2007-323.htm>

Please evaluate it with respect to its effect on your plans and programs; the importance of its contribution to state and/or local areawide goals and objectives; and its accord with any applicable laws, orders or regulations with which you are familiar.

Please submit your comments no later than Tuesday, June 12, 2007.

Use the space below for short comments. If significant comments are provided, please use agency letterhead and include the Nevada SAI number and comment due date for our reference. Questions? Gosia Sylwestrzak, (775) 684-0209 or <mailto:clearinghouse@budget.state.nv.us>.

☐ No comment on this project ☐ Proposal supported as written

AGENCY COMMENTS:

Signature:

Rebecca Palmer

Date:

6/08/07

S4-1

The SHPO reviewed the subject Draft Environmental Impact Study for the subject undertaking. The SHPO notes that the document contains a detailed discussion of the National Register eligibility of resources found in the area of potential effect for the undertaking. The SHPO has no record of ever receiving the Bureau of Land Management's determinations of National Register eligibility for these resources as is required by the Programmatic Agreement. At your earliest convenience, please submit these determinations to this office for review. If you have any questions concerning this correspondence, please contact me by phone at (775) 684-3443 or by E-mail at rlpalmer@clan.lib.nv.us.

S4-1 The BLM has consulted with SHPO as requested.

Comment Letter S5

FW: E2007-323 DEIS for The White Pine Energy Station Project - Ely Field Office

Page 1 of 2

-----Original Message-----

From: Robert K. Martinez

Sent: Friday, May 18, 2007 8:57 AM

To: Sue Gilbert; Michael Anderson

Subject: FW: E2007-323 DEIS for The White Pine Energy Station Project - Ely Field Office

Sue,

Input,

Mike, please review accordingly and we have a dam app for this project, and are they getting their water from White Pine Co?

Rob

-----Original Message-----

From: Clearinghouse [<mailto:clearinghouse@budget.state.nv.us>]

Sent: Thursday, May 03, 2007 11:45 AM

To: Robert K. Martinez

Subject: E2007-323 DEIS for The White Pine Energy Station Project - Ely Field Office

NEVADA STATE CLEARINGHOUSE

Department of Administration, Budget and Planning Division

209 East Musser Street, Room 200, Carson City, Nevada 89701-4298

(775) 684-0209 Fax (775) 684-0260

DATE: May 3, 2007

Division of Water Resources

Nevada SAI # E2007-323

Project: DEIS for The White Pine Energy Station Project

Follow the link below to download an Adobe PDF document concerning the above-mentioned project for your review and comment.

<http://budget.state.nv.us/clearinghouse/Notice/2007/E2007-323.htm>

Please evaluate it with respect to its effect on your plans and programs; the importance of its contribution to state and/or local areawide goals and objectives; and its accord with any applicable laws, orders or regulations with which you are familiar.

Please submit your comments no later than Tuesday, June 12, 2007.

Use the space below for short comments. If significant comments are provided, please use agency letterhead and include the Nevada SAI number and comment due date for our reference. Questions? Gosia Sylwestrzak, (775) 684-0209 or <mailto:clearinghouse@budget.state.nv.us>.

<https://mail.state.nv.us/exchange/Clearinghouse/Inbox/FW:%20E2007-323%20DEIS%20f...> 6/14/2007

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

Comment Letter S5

FW: E2007-323 DEIS for The White Pine Energy Station Project - Ely Field Office

Page 2 of 2

☐ No comment on this project ☐ Proposal supported as written

AGENCY COMMENTS:

S5-1

Dam plans have been submitted to the State Engineer under J-590 for approval in conjunction with this project. White Pine County possesses sufficient rights to divert the public waters to support the project from proposed wells in the general vicinity of the proposed power plant well field. The State Engineer strongly urges selection of the alternative that has the least impact on existing water rights (southern site). The State Engineer supports close monitoring of local underground (well) water sources and surface water sources with alteration of the pumping regime or relocation of supply wells as mitigation measures. Replacement water supply for lost water sources should be reserved as a "last-ditch" measure.

Signature: Mike Anderson, P.E.

Date: June 13, 2007

Distribution:

Sandy Quilici, Department of Conservation & Natural Resources
Stephanie Martensen, Division of Emergency Management
Alan Di Stefano, Economic Development
Kathy Dow, Economic Development
Chad Hastings, Fire Marshal
Stan Marshall, State Health Division
Sherry Rupert, Indian Commission
Skip Canfield, AICP, Division of State Lands
Alan Coyner, Commission on Minerals
D. Driesner, Commission on Minerals
Christy Morris, Commission on Minerals
Sandi Gotta, Division of Conservation Districts
John Walker, Nevada Division of Environmental Protection
Catherine Cuccaro, Department of Transportation
Anthony Grossman, Department of Wildlife, Director's Office
Steve Foree, Department of Wildlife, Elko
D. Bradford Hardenbrook, Department of Wildlife, Las Vegas
Robert Martinez, Division of Water Resources
James D. Morefield, Natural Heritage Program
Joseph C. Strolin, Agency for Nuclear Projects
Steve Weaver, Division of State Parks
Mark Harris, PE, Public Utilities Commission
Pete Konesky, State Energy Office
Rebecca Palmer, State Historic Preservation Office
John Muntean, UNR Bureau of Mines
Jon Price, UNR Bureau of Mines
Russ Land, Nevada Division of Environmental Protection
Gosia Sylwestrzak, zzClearinghouse
Reese Tietje, zzClearinghouse -Reese
Maud Naroll, zzClearinghouse-Maud
Gosia Sylwestrzak, zzClearinghouse -Gosia

<https://mail.state.nv.us/exchange/Clearinghouse/Inbox/FW:%20E2007-323%20DEIS%20f...> 6/14/2007

Appendix G in this FEIS outlines the components of the proposed ground water monitoring and mitigation program (subject to approval by the Nevada State Engineer) that would be implemented under either the Proposed Action or Alternative 1. This program has been included as a component of the proposed project in Chapter 2 of this FEIS. The ground water monitoring program presented in this FEIS has been augmented from that presented in the DEIS to include more information on the location of monitoring wells, spring monitoring locations, monitoring frequency, and contingency actions in the event significant declines in ground water levels associated with White Pine Energy Associates (WPEA) activities are anticipated or contamination associated with WPEA activities is anticipated above applicable water quality standards. The monitoring program also has been augmented to include potential corrective or mitigative actions that WPEA is committed to follow in the event that potentially adverse impacts to springs resulting from WPEA activities are anticipated. These actions would prevent the occurrence of impacts, avoiding impairment of existing water rights for either the Proposed Action or Alternative 1. The monitoring program will be submitted to the Nevada State Engineer for review and approval. It would be the responsibility of the water right holder to fund and implement the plan. WPEA has agreed to fund and implement the plan. In determining the preferred alternative, the BLM takes into account factors beyond the projected groundwater drawdown at a single location. Such factors include, but are not limited to, the following: 1) BLM evaluation of overall impacts to all appropriate resources, including ground/surface water; 2) Determination of which alternative may offer the lowest overall impact when considering the various resources (for example, wetland impacts would be higher at the southern site); and how mitigation measures would reduce potential impacts. After considering these factors and because the ground water modeling does not conclusively predict that impacts are expected – only that they could potentially occur – and measures to monitor and mitigate this potential are required under the ground water monitoring program, the location identified in the proposed action is the BLM preferred site.



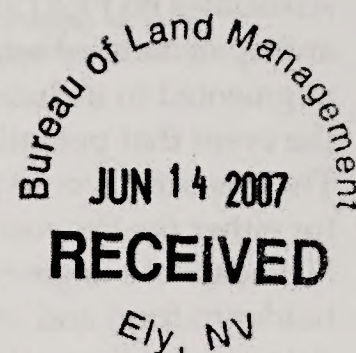
JIM GIBBONS
Governor

STATE OF NEVADA
DEPARTMENT OF WILDLIFE

1100 Valley Road
Reno, Nevada 89512
(775) 688-1500 • Fax (775) 688-1595

KENNETH E. MAYER
Director

DOUG HUNT
Deputy Director



June 11, 2007

Doris Metcalf
Ely BLM
HC33 Box 33500
Ely, NV 89301

Dear Doris,

The attached represents NDOW's initial comments in our review of the White Pine Energy Station draft EIS. Should I receive additional comments from NDOW personnel before the June 19th deadline, I will forward those to you. Thanks for all of your hard work on this project.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steve".

Steve Foree
Supervising Habitat Biologist
60 Youth Center Road
Elko, NV 89801
775.777.2306
sforee@ndow.org

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

NDOW comments associated with the Draft EIS for the White Pine Energy Station.
6/11/07

The majority of our comments continue revolve around off site mitigation associate with the project. LS Power continues to do an admirable job in making project design changes which help mitigate some of the impacts to wildlife resources and habitats. Additionally, incorporation of these design changes into BMPs for the project has further ameliorated some of the negative aspects of identified development on wildlife resources. As was indicated in our comments relative to review of the Administrative Draft EIS, several issues, in our mind, remain unresolved by mitigation actions identified in the Draft EIS.

4.5.3.1.3 Mitigation (page 4-60).

LS Power will contribute approximately \$150,000 to a mitigation fund that will allow the BLM/NDOW to fund wildlife habitat restoration work for project-related habitat disturbances and to mitigate for project-related unavoidable adverse impacts to species.

S6-1 NDOW response: Our goal is to compensate the public for loss of habitat and wildlife resources which cannot be mitigated. For these unmitigated losses of public resources direct money compensation is reasonable. Recent data associated with restoration activities on public lands indicate that restoration activities can cost as much as \$300-\$400 per acre (Spruce Seedings – Elko Field Office/BLM). It is our view that direct money contributions from LS Power should be tied directly to a dollar per acre loss associated with project development. For example, if data indicate that the proposed action will lead to permanent loss of 1516 acres of wildlife habitat then the public should be compensated to a point that provides adequate money compensation to allow BLM and NDOW legitimate opportunity to enhance a similar acreage. The mitigation fund should be funded to a level that allows the restoration of 1516 acres on public lands within the Ely Field Office's jurisdiction (1516 acres X \$400 = \$606,400). The Ely RMP Revision will reflect a change in requirements for development projects and will identify a 2 acre compensation for 1 acre loss of public land. Therefore basic calculations indicate that any monies provided to a fund to compensate the public for permanent loss of resources should be a minimum of \$606,400 and more likely should reflect the 2 acre compensation rate identified in the RMP Revision or in the \$1.2 million range. The Ely District should have specific knowledge of costs for habitat restoration on public lands. Cody Coombs would be a contact at the Ely FO. Any contribution should be a specific dollar figure. The word "approximately" should disappear from the final document.

S6-2 ↓ Throughout the document reference is made to the Moriah Ranches seeding project. While this project may ultimately benefit wildlife to

- S6-1** Establishment and applicant funding of a habitat mitigation fund agreed to by the applicant is described in Section 4.5.3.1.3, *Mitigation*, of this FEIS under the discussion of wildlife and fisheries resources to help offset the temporary and permanent losses of wildlife habitat. It should be noted that the BLM has issued Instruction Memorandum (IM) No. 2005-069 that outlines the BLM interim policy for use of compensatory mitigation for authorizations issued in the oil, gas, geothermal, and energy right-of-way programs. The White Pine Energy Station project falls under that policy. The BLM approaches compensatory mitigation on an "as appropriate" basis where it can be performed onsite and on a voluntary basis where it is performed offsite. The IM goes on to say that there is no intent to establish an equivalency of mitigation policy by the BLM (that is, acre-for-acre). This interim policy has priority over the revised Ely Resource Management Plan referred to in this comment. The applicant-proposed compensation is voluntary and complies with the BLM policy.
- S6-2** The Moriah Ranches Seeding Project is a multi-purpose enhancement program designed to increase forage for livestock and cover for wildlife on 700 to 900 acres of public land. The original seeding program occurred in 1969 on 770 acres using crested wheatgrass with the single purpose of improving grazing conditions for livestock. The enhancement seeding project described in the DEIS and this FEIS would use a native seed mix to restore existing seeding on public land to help offset livestock grazing allotment losses, but it also would provide an opportunity to create a habitat mosaic that provides cover for sage-grouse and antelope. Voluntary establishment and applicant funding of a wildlife habitat mitigation fund agreed to by the applicant is described in Section 4.5.3.1.3, *Mitigation*, of this FEIS to help offset the temporary and permanent losses of wildlife habitat. This would be in addition to any wildlife habitat benefit that may also result from the seeding project.

S6-2
(cont.)

↑
some extent the push for the project came from the permittee not wildlife biologists. We should not use this project as an example of mitigation for project impacts to wildlife habitats.

4.5.3 Wildlife and Fisheries Resources (page 4-48, 49).

Potential indirect impacts occur later in time throughout the Station operational phase and may include the following: Habitat fragmentation and loss of wildlife movement corridors. Operation of the proposed transmission lines could create aerial habitat fragmentation. Transmission towers provide increased perching opportunities for raptors. Some species may avoid the area near the transmission lines because of increased predator occurrence. The impacts on wildlife would vary according to the site-specific magnitude and duration of noise/disturbance activities.

We have yet to address the issue of compensation for the habitat fragmentation and associated impacts to public resources. I would suggest that this is a direct impact to wildlife resources. This topic is referenced extensively within the Draft EIS and identified as a specific impact to wildlife resources and habitat, however, no mitigation is offered. NDOW, the USFS, and the mining industry have addressed this issue in NEPA documents in the past in Elko County. The fragmentation issue is generally dealt with in the cumulative impacts section and relates to linear impacts such as roads. This example, however, should be used to address fragmentation caused by other linear features such as power lines. Typically a species of concern is used for the example of developing a buffer area around a linear disturbance. Acreage figures are applied to the buffered area. These acreage figures are then applied to the impacted acres and mitigation offered. Sage grouse can be used as an example in the LS Power project. In most instances, sage grouse avoid structures which allow avian predators increased opportunities for hunting. Towers or poles associated with electrical transmission are a key example of such structures. We typically see sage grouse minimize activities within 2 miles of such structures depending upon topography and type of vegetation. The EIS should attempt to quantify the fragmentation issue and identify a number or range of acres impacted. Certainly the fragmentation issue will vary with each species, however, if we utilize sage grouse as the standard, the issue will be adequately addressed. At this point, a determination needs to be made as to what compensation is adequate for an impacted public resource (habitat rendered less than optimum due to development). I would suggest something less than it will cost to completely restore habitats (perhaps in the \$100 - \$200 per acre range).

S6-3

Potential effects of habitat fragmentation from construction and operation of the White Pine Energy Station are discussed qualitatively at various locations in Section 4.5.3, *Wildlife and Fisheries Resources*, and Section 4.5.4, *Threatened, Endangered, Candidate, and Sensitive Species*, of the DEIS. Examples of those discussions are summarized below and included in this FEIS in the same sections (4.5.3 and 4.5.4) as in the DEIS. It was not possible to quantify the effects of habitat fragmentation.

Habitat fragmentation is defined in the DEIS (page 4-49) as the process by which a natural landscape is broken up into small parcels of natural ecosystems, isolated from one another in a matrix of lands dominated by human activities (Saunders and Hobbs, 1991). The DEIS (page 4-59) concludes that the addition of transmission line towers would substantially increase perching opportunities for raptors and create both vertical and linear habitat fragmentation. This could potentially adversely affect nesting birds, including sage-grouse, small mammals, and pronghorn kids that would be subjected to increased predation from raptors and corvids. Some species also may avoid the area near the transmission lines because of increased predator occurrence. The DEIS (page 4-59) states that to minimize this impact, perch deterrents would be installed on all transmission lines in Steptoe Valley and Butte Valley.

The DEIS (page 4-75) states that potential permanent impacts to special status avian species and their habitats would be common to both the Proposed Action and Alternative 1 from Station construction, operation, and maintenance. These impacts would include, among others, increased habitat fragmentation, both aerially and at ground level, within the affected portions of Steptoe and Butte Valleys.

The DEIS (page 4-77) concludes that operation of the Proposed Action transmission line would result in fragmentation of greater sage-grouse habitat. Consequences of fragmentation can vary, but may include competition for fewer suitable nesting sites, reduced food supplies, the isolation of breeding habitat from brood-rearing areas and leks from nesting habitat. Such outcomes may lead to lower reproduction rates for sage-grouse and other wildlife species that use this habitat for all or part of their life cycle (BLM, 2004). Habitat fragmentation also would affect ferruginous hawks (page 4-78).

The DEIS (pages 4-267 and 4-268) states that construction and operation of multiple energy developments in Steptoe Valley would result in cumulative impacts to wildlife and special status species. These impacts would include, among others, further removal and fragmentation of foraging habitats and of winter, summer, and breeding habitats for a variety of wildlife species.

As stated previously, it was not possible to quantify the effects of habitat fragmentation; however, acres of wildlife habitat (according to vegetation community type) that would be temporarily and permanently impacted were estimated for each project feature associated with the Proposed Action (see Table 4.5-1) and Alternative 1 (see Table 4.5-2) in the DEIS and this FEIS. See the response to Comment S6-3 regarding the establishment and applicant funding of a habitat mitigation fund agreed to by the applicant as described in Section 4.5.3.1.3, *Mitigation*, of this FEIS to help offset the temporary and permanent losses of wildlife habitat.

COOPERATIVE EXTENSION
A COUNTY-STATE-FEDERAL PARTNERSHIP

**UNIVERSITY
OF NEVADA**
RENO

995 Campton
Ely, Nevada 89301
(775) 289-4459
FAX: (775) 289-1462

May 29, 2007

Jeffrey A. Weeks
Ely Field Office
Bureau of Land Management
HC 33, Box 33500
Ely, Nevada 89301

Bureau of Land Management
MAY 31 2007
RECEIVED
Ely, NV

RE: Draft EIS for the White Pine Energy Station Project comments

Dear Jeff:

I would like to comment about some of the information presented about the rangeland resources affected by the White Pine Energy Station Project. Some of the information seems to be far too incomplete or inaccurate in the basic information presented to be fully useable. This information starts on page 3-51.

S7-1

While the basic plant communities seem to be adequately described as to the species that are the primary components, there is no information that addresses the composition, distribution, or condition of those plant communities. This information should be presented within the EIS in a manner consistent with currently accepted methods of describing plant community condition and resilience. This is especially significant given the preponderance of cheatgrass within the immediate area. From the information presented there is no ability to understand which plant communities, or areas within plant communities, are at risk to catastrophic change following disturbances and which areas can sustain disturbances and recover without aid to a functioning plant community. This is critical information given the scale and scope of disturbances that are likely to occur in the areas surrounding the energy center. It is especially critical given the occurrences of other introduced competitive or invasive species identified in the EIS. Therefore, the consequences of disturbances associated with the project cannot be adequately evaluated.

S7-2

Similar comments can be made about the section starting on page 3-60 about noxious and invasive weeds. The noxious weeds identified in section 3.5.2.3 should be delineated on a map with density and the extent of the infestations. Only in that way can the influence of noxious or invasive weeds be evaluated in terms of the various management alternatives.

S7-3

The noxious weed infestations documented might also be open to question. Noxious weeds identified in the EIS are hoary cress (*Cardaria draba*) and sulphur cinquefoil (*Potentilla recta*). Tri-County Weed Program has not identified sulphur cinquefoil in this area, but there are a number of native *Potentilla* spp. that could easily be confused by those with inadequate taxonomic skills. While it would be good to confirm this sighting with personnel from the Tri-County Weed Program or someone equally knowledgeable,

the inclusion serves to illustrate other probable errors in the information presented. At
UNIVERSITY OF NEVADA RENO
physical or mental disability, and in accordance with university policy, sexual orientation, in any program or activity it operates. The University of Nevada employs only United States citizens and those lawfully authorized to work in the United States.

White Pine County, University of Nevada and U.S. Department of Agriculture Cooperating

- S7-1** Landsat data were evaluated using NRCS rangeland suitability information and ER Mapper software to identify general plant communities and their distribution in the project area. Biologists ground-truthed portions of the mapped area closest to the proposed project feature locations and used a GPS unit to record plot data to refine the vegetation mapping data and increase accuracy. Section 3.5.1.1, *Vegetation Communities*, in the DEIS and this FEIS discuss the 10 major vegetation communities that occur in the project area. Section 4.5.1, *Vegetation*, in the DEIS and this FEIS estimate acres of temporary and permanent impacts to vegetation community types according to project feature that would result from the Proposed Action (Table 4.5-1) and Alternative 1 (Table 4.5-2). Composition of these plant communities is discussed in detail in Section 3.5.1.1, *Vegetation Communities*; distribution of these communities is represented graphically in Figure 3.5-1, and condition of these communities is addressed in Sections 3.5.1.1, *Vegetation Communities*, and 3.5.2, *Noxious and Invasive Weeds*. Therefore, the DEIS and this FEIS provide sufficient in a manner that is consistent with currently accepted methods of describing plant community condition and resilience.
- S7-2** The locations of noxious and invasive weed populations are listed in Table 3.5.4 of the DEIS and this FEIS; thus, for purposes of the DEIS and this FEIS, sufficient information was obtained to assess the risk of further spread of noxious weeds in the project area. (See the Risk Assessment for Noxious/Invasive Weeds document provided in Appendix J, *Biological Resources Supplemental Information*, of the DEIS and this FEIS.) Additionally, noxious and invasive weeds will be mapped prior to construction in order to document all populations within the project area prior to disturbance.
- The potential effects of cheatgrass are discussed in Section 4.5.2.1.1 under the *Power Plant* heading in this FEIS.
- S7-3** See the responses to Comments S7-1 and S7-2 regarding techniques used to identify plant species during the study and reasons why some species may or may not have been encountered during surveys. As stated in the response to Comment S7-2, noxious and invasive weeds will be mapped prior to construction in order to document all populations within the project area prior to disturbance.

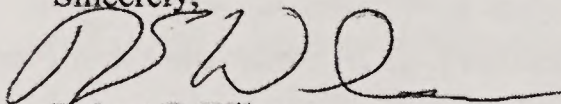
Comment Letter S7

S7-3 | the same time, infestations of spotted knapweed (*Centaurea maculosa*), Sahara mustard (*Brassica tournefortii*), and saltcedar (*Tamarix* spp) were all found within the powerline rights-of-way but not mentioned in the EIS. In addition, both Russian knapweed (*Acroptilon repens*) and squarrose knapweed (*Centaurea virgatua* Lam. Var. *squarrosa*) have been inventoried near the project area, and while not required are also not mentioned in the EIS. Given the high levels of disturbances associated with this project, these mistakes could have devastating consequences to the rangeland resources.

S7-4 | A minor correction on page 3-61. There is no Nevada Department of Agriculture White Pine County office. The correct reference is either the University of Nevada Cooperative Extension, or the Tri-County Weed Program office in Ely, Nevada, or the Nevada Department of Agriculture in either the Reno, Elko, or Las Vegas office.

Thanks for the opportunity to comment.

Sincerely,



Robert E. Wilson
Extension Educator

S7-4 The reference on page 3-61 of the DEIS has been corrected in this FEIS as requested by changing Nevada Department of Agriculture, White Pine County office to Tri-County Weed Program, Ely office.

Comment Letter S8

Laurie L. Carson, Commissioner
Brent Eldridge, Commissioner
Gary Lane, Commissioner
RaLeene Makley, Commissioner
David Pound, Commissioner
Donna M. Bath, Ex-Officio Clerk of the Board

Courthouse Annex
801 Clark Street, Suite #4
Ely, Nevada 89301
(775) 289-2341
Fax (775) 289-2544

White Pine County Board of County Commissioners

June 13, 2007

Supports Project and EIS

Jeffrey A. Weeks, Associate Field Manager
Ely District, Bureau of Land Management
HC 33, Box 33500
Ely, NV 89301-0408

RE: DES 07-19, Draft EIS for White Pine Energy Station

Dear Mr. Weeks:

The White Pine County Commission appreciates the opportunity to provide comment on the Draft EIS for the White Pine Energy Station. As a Cooperating Agency, the County has been actively involved in the EIS process for almost three years. Throughout the process the County Commission has been impressed with the thorough review and attention to detail on each topic. We would like to enter the following comments into the record:

1. Statement of Purpose and Need: The White Pine County Commission agrees with the statements of purpose, need, and background as outlined in the Executive Summary. The Commission has gone on record several times supporting the development of a coal fired electrical power plant because of the economic benefit to all residents of White Pine County.
2. Section 4.4, Ground Water: The ground water analysis in the Draft EIS addresses the areas of concern raised by the County's Water Advisory Committee including potential impacts on springs, ground water resources, water quality, and potential for land subsidence. The County Commission appreciates White Pine Energy Associates' response to the potential impacts of withdrawing 25,000 acre feet of ground water with the change in design from a water cooled to a modified air cooled plant which will reduce the amount of water needed by 80 percent and reduces the well field to 8 wells. Appendix 2, I, details the monitoring program

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

Brent Eldridge
June 13, 2007
Page 2

3. and specifies that the reports will be provided to the Office the State Engineer on a yearly basis. The County Commission requests that, if possible, the reports also be made available to the County's Water Advisory Committee to assist in their efforts to develop baseline data for the primary hydrographic basins in the County.
4. Section 4.5, Biological Resources: Wildlife: The Nevada Department of Wildlife was also a participant throughout the process and had significant input in the discussions regarding plant design, noise, and potential mitigation. The County Commission appreciates White Pine Energy Associates' willingness to work with the Department of Wildlife to identify appropriate mitigation strategies.
5. Section 4.6, Air Quality: As a cooperating agency, the County's representatives have participated in the discussions related to the air quality modeling and analysis. Throughout that process, all of the cooperating agencies had the ample opportunity for input on the methods used and the scope of the analysis. The County Commission is satisfied that the air quality analysis adequately addresses the issue of emissions based on the existing thresholds and air shed designations.
6. Sections 4.7, Visual Resources and Section 4.9, Land Use: In addition to the discussion on current surrounding land uses, the Commission would like to point out that Steptoe Valley has historically housed the County's primary industrial, commercial and residential activity as well as its major transportation routes. For decades, the smelter operated in McGill and the smokestack was a well-recognized landmark. The Commission believes the proposed plant represents historically accepted land uses in Steptoe Valley and can be compatible with the agricultural, recreational, and residential uses in the valley.
7. Section 4.11, Wilderness: The White Pine County Commission supported the designation of wilderness areas through the White Pine County Conservation, Recreation and Development Act. The Act states that Congress did not intend for the designation of wilderness to lead to the creation of protective perimeters or buffer zones around the wilderness areas. It also states that the fact that non-wilderness activities or uses can be seen or heard from areas within a wilderness designation should not preclude the conduct of those activities or uses outside the boundaries of the wilderness areas. The Commission believes that the proposed project is compatible with the designation of Wilderness Areas in the vicinity.

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

Section 1.2.1.1. The White Pine County Commission is a public body created by the Nevada Constitution and the Nevada Revised Statutes. It is the governing body of the county and is responsible for the management and operation of the county's affairs. The commission is composed of seven members, each of whom is elected to a four-year term. The commission's duties include the adoption and enforcement of county ordinances, the management of county property, and the oversight of county departments. The commission also has the authority to levy taxes and to enter into contracts on behalf of the county. The White Pine County Commission is committed to the responsible and efficient management of the county's resources and to the promotion of the county's economic and social well-being.

Section 1.2.1.2. The White Pine County Commission is a public body created by the Nevada Constitution and the Nevada Revised Statutes. It is the governing body of the county and is responsible for the management and operation of the county's affairs. The commission is composed of seven members, each of whom is elected to a four-year term. The commission's duties include the adoption and enforcement of county ordinances, the management of county property, and the oversight of county departments. The commission also has the authority to levy taxes and to enter into contracts on behalf of the county. The White Pine County Commission is committed to the responsible and efficient management of the county's resources and to the promotion of the county's economic and social well-being.

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Section 1.2.1.5. The White Pine County Commission is a public body created by the Nevada Constitution and the Nevada Revised Statutes. It is the governing body of the county and is responsible for the management and operation of the county's affairs. The commission is composed of seven members, each of whom is elected to a four-year term. The commission's duties include the adoption and enforcement of county ordinances, the management of county property, and the oversight of county departments. The commission also has the authority to levy taxes and to enter into contracts on behalf of the county. The White Pine County Commission is committed to the responsible and efficient management of the county's resources and to the promotion of the county's economic and social well-being.

Brent Eldridge
June 13, 2007
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8. Section 4.17, Socio-Economic Impacts: Throughout the development of the draft EIS, White Pine County worked closely with White Pine Energy Associates as well as the contractor and sub-contractor assigned to the socio-economic analysis.

The County Commission finds that Sections 3.17 and 4.17 of the Draft EIS fairly represent the existing conditions and anticipated impacts.

S8-1 During the public meeting in Ely, there was a concern with the statement on Page 4-225 of the Draft that at this time only ten individuals within the existing unemployed within the County would qualify for construction related jobs. We would like to suggest that this statement be put into context. White Pine County's current employment levels and construction activity are higher than they have been for several years. The workforce available at this time is extremely limited and is especially limited in the areas of construction, transportation, and related skills. Many of the counties in northern Nevada are experiencing workforce shortages. The County is working with the state's employment and economic development services to explore strategies to assist in recruitment of new employees to our area. Certainly, as the project proceeds, the County will do all that it can to make sure the jobs available to County residents. In the previous White Pine Power Project effort, the County worked with the Employment Security Department, the School District and college system, and unions to develop training programs to prepare for White Pine County residents for employment during construction and operation.

S8-2 In a number of the sub-sections throughout the discussion on Socio-Economic Impacts it is noted that the potential impacts will be monitored and mitigation will be developed as needed. The County Commission suggests that as the project progresses, the local entities and White Pine Energy Associates develop a mechanism to regularly review the results of the monitoring, identify impacts, and recommend mitigation strategies as needed.

9. Preferred Site: The White Pine County Commission supports the preferred site. The comparison of the Preferred Site and Alternative 1 shows that the preferred site will cause less visual impact to the recreation areas of Bassett Lake and Duck Creek Basin, requires less land, will use water further north and leave the water resources near McGill available for future economic activity, and requires less construction of water pipeline and transmission lines outside existing utility corridors.

- S8-1** Based on assumptions using the best data available from the Nevada Employment Development Department, the socioeconomic analysis assumed only 10 unemployed and local workers would be hired by the project plus an additional 30 local and employed workers would shift to the project from other nearby projects. While these assumptions and data reflect the current shortage of unemployed construction workers in the White Pine County region, it is possible that more local workers would be hired. This possibility is described in Section 4.17.1.1.1 of this FEIS under the *Population* heading.
- S8-2** Section 4.20.1, *Mitigation Measures Committed to by WPEA*, of this FEIS describes the following mitigation measures, among others, committed to by WPEA.

WPEA will work closely with White Pine County to monitor socioeconomic impacts during the Station's construction and operation phases. If the socioeconomic effects are greater than currently expected and problematic, appropriate mitigation beyond that described in the preceding text will be developed and implemented by the county and WPEA as warranted.

WPEA will work with the White Pine County School District and the White Pine County Road Department regarding the routes used by school buses and by children walking to local schools so that routes to the Station can be established for Station materials and concrete deliveries and for Station operation personnel that would minimize the public safety impact.

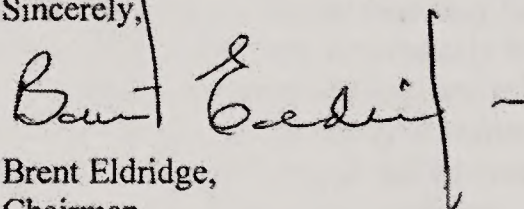
Comment Letter S8

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The White Pine County Commission supports acceptance of the draft White Pine Energy Station EIS and encourages the Bureau of Land Management to issue the rights of way for the development of the White Pine Energy Station, electric transmission facilities, water supply system, rail spur, additional access and construction and the Moriah Ranches seeding project..

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Brent Eldridge", followed by a horizontal line.

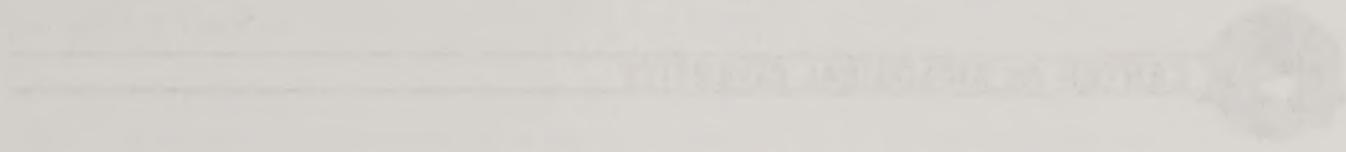
Brent Eldridge,
Chairman

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

Appendix T
**Responses to Group and Organization Comments
on the DEIS**

CONFIDENTIAL - This document contains information that is exempt from public release under the Freedom of Information Act, 5 U.S.C. 552. It is to be controlled, stored, handled, transmitted, and disposed of in accordance with the policies and procedures of the Department of Defense. It is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of the appropriate authority.

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FOR THE RECORDS SECTION, DEPARTMENT OF DEFENSE

Page 1 of 1

1. The Department of Defense is responsible for the development, production, and distribution of military equipment and services. This includes the design, development, and production of weapons, equipment, and services for the Department of Defense. The Department of Defense is also responsible for the maintenance and repair of military equipment and services.

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CENTER for BIOLOGICAL DIVERSITY

VIA U.S. POSTAL SERVICE EXPRESS MAIL OVERNIGHT

June 18, 2007

Jeffrey A. Weeks
Bureau of Land Management
Ely Field Office
HC 33 Box 33500
Ely, NV 89301-9408

Re: Comments on the Draft Environmental Impact Statement for the White Pine Energy Station Project, 2850 (NV040), N-78091.

Dear Mr. Weeks,

These comments are submitted on behalf of the Center for Biological Diversity ("Center"), a non-profit organization with over 35,000 members and offices in California, Oregon, Arizona, New Mexico, and Washington, D.C. The Center is dedicated to protecting imperiled species and their habitats by combining scientific research, public organizing, and administrative and legal advocacy. The primary goal of the Center's Climate, Air, and Energy Program is to reduce United States greenhouse gases and other harmful air pollutants in order to protect biological diversity, public health, and the environment. Thank you for the opportunity to provide comments on the Draft Environmental Impact Statement ("DEIS") for the White Pine Energy Station Project ("proposed project").

As described in the DEIS, the Proposed Action and Alternative 1 for the White Pine Energy Station ("the Station") were developed in response to a proposal by White Pine Energy Associates, LLC, ("WPEA") to construct, own, operate, and maintain an approximately 1,590-megawatt ("MW") coal-fired electric power generating plant in White Pine County in eastern Nevada. The power plant and associated features would be located primarily on lands managed by the Ely Field Office of the U.S. Department of the Interior Bureau of Land Management ("BLM"). The DEIS states that the Proposed Action and Alternative 1 would each include the following actions:

- Issue ROWs for construction and operation of the Station and subsequently arrange for the sale of the land covered by the Power Plant ROW to WPEA.
- Construction and operation of an approximately 1,590-MW coal-fired electric power generating plant using hybrid cooling systems that has an expected commercial life of 40 years or longer.
- Construction and operation of a water supply system in the Steptoe Valley Hydrographic Basin to meet the water needs of the power plant.

Tucson • Phoenix • San Francisco • San Diego • Los Angeles • Joshua Tree • Silver City • Portland • Washington, DC

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tel: (415) 436.9682 ext. 307 fax: (415) 436.9683 lbelenky@biologicaldiversity.org www.BiologicalDiversity.org

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

Comment Letter G1

- Construction and operation of a new rail spur from the NNR to the power plant to supply coal.
- Construction and operation of electric transmission facilities to connect the power plant with existing and planned electric transmission facilities serving the region.
- Construction and operation of road access and certain utility access to the power plant and other Station features.
- Construction and operation of an electric distribution line for the supply of power during the construction period.
- Construction and operation of an off-site mineral materials sale area (borrow area) for the supply of earth and rock materials to be used in the construction process.
- Implementation of a seeding project to enhance the grazing and wildlife value on 700 to 900 acres.
- Implementation of best management practices ("BMP") during Station construction, operation, and maintenance to avoid or prevent the occurrence of impacts and, where possible, to minimize the magnitude, extent, and duration of those impacts when their occurrence can not be prevented.

G1-1

The DEIS is grossly inadequate in several respects. Most glaringly BLM's project objectives are too narrow, the DEIS does not have a reasonable and sufficient range of alternatives, and the DEIS fails to adequately address the pressing issue of greenhouse gas emissions and global warming. Thirty years ago, the BLM and project applicant might have gotten away with the cursory dismissal of greenhouse gas emissions and global warming contained in the DEIS. The DEIS is completely unacceptable today. As the DEIS discloses in well under one page of text, the proposed action will produce over twenty million metric tons of greenhouse gas pollution per year. The complete failure of the DEIS to discuss the impact of those emissions in any meaningful way renders it inadequate. All of the impacts of the project on the environment must be thoroughly identified and analyzed in the EIS, along with a range of meaningful alternatives, before BLM makes any decision regarding this proposal.

I. The Requirements of the National Environmental Policy Act

The National Environmental Policy Act ("NEPA") is the "basic national charter for protection of the environment." 40 C.F.R. § 1500.1(a). The purpose of NEPA is to "help public officials make decisions that are based on an understanding of environmental consequences, and take actions that protect, restore, and enhance the environment." *Id.* at § 1500.1(c). To those ends, NEPA first requires that agency environmental impact statements (hereinafter "EIS") describe the existing environmental conditions in the area affected by a proposed project. 40 C.F.R. 1502.15. NEPA also mandates that EISs contain a discussion and analysis of the direct, indirect and cumulative environmental impacts from the relevant projects or actions, and disclose relevant environmental information to the public. 42 U.S.C. § 4332(C); 40 C.F.R. 1508.7.

G1-1 This comment is a summary of concerns related to the Purpose and Need, range of alternatives, and air quality. More specific comments on, and responses to, these three topics are found on the following pages.

In addition, NEPA requires that the preparing agency "[r]igorously explore and objectively evaluate all reasonable alternatives" to the proposed action. 40 C.F.R. § 1502.14. To ensure that a full range of alternatives are considered, the preparing agency must not have unduly narrow project objectives. City of Carmel-by-the-Sea v. United States Department of Transportation, 123 F.3d 1142, 1155 (9th Cir. 1997); see also Environmental Protection Information Center v. United States Forest Service, ___ F.3d ___, 2007 U.S. App. LEXIS 11245 at *6-7 (9th Cir. May 9, 2007) (holding the U.S. Forest Service defined its project objectives too narrowly because the only alternative that could meet all objectives was the preferred alternative).

Lastly, mitigation measures comprise an important part of the scientific and analytical basis for the comparative analysis of alternatives required under NEPA. 40 C.F.R. § 1502.16(h). NEPA thus requires that EISs "[i]nclude appropriate mitigation measures not already included in the proposed action or alternatives." 40 C.F.R. § 1502.14(f).

II. The DEIS Fails to Provide Adequate Baseline Environmental Data for the Project Area.

An EIS must "succinctly describe the environment of the area(s) to be affected or created by the alternatives under consideration." 40 C.F.R. § 1502.15. Without a stable and detailed description of the baseline environmental conditions, there is nothing with which to compare the alternatives considered in the EIS. See Half Moon Bay Fishermans' Marketing Ass'n v. Carlucci, 857 F.2d 505, 510 (9th Cir. 1988).

Here, the DEIS is impermissibly deficient in its description of the baseline environmental conditions in a number of respects, including, but not limited to, the following.

Mercury

G1-2

The DEIS fails to discuss or provide any data on the mercury levels in Nevada's air and water. Due especially to the extensive gold mining there, Nevada emits an enormous amount of mercury, which makes it imperative that BLM assess the background mercury levels in the soil, water and air in the vicinity of the project (at least as far out as the mercury from the project could reasonably be expected to travel) so as to adequately inform a cumulative impact analysis of the proposed project's mercury emissions (see, e.g., U.S. EPA, 2004).

Special status bird species and the bald eagle

G1-3

BLM has not completed any "targeted studies" for special status avian species, and instead relies on habitat analysis as a proxy for actual species documentation (DEIS at 4-74). Similarly, the DEIS provides no account of how many bald eagles winter in Steptoe Valley and in the vicinity of the proposed project. BLM should not rely merely on habitat and past sighting analyses, but should conduct actual species surveys during an appropriate time of year (e.g. winter for the bald eagles) to determine approximately how many of each special status avian species there are within the areas that would be impacted directly, indirectly, and/or cumulatively by the proposed project.

- G1-2** A general discussion of mercury emissions and ambient mercury has been added at Section 3.6.1.1.7, *Mercury*, of this FEIS. A new Section 4.6.1.1.6, *Mercury*, has been added to this FEIS to express estimates of the impacts of airborne mercury from the White Pine Energy Station on surface waters and biota. Also, Appendix L, *Cumulative Analysis for Air Quality* (which evaluates the cumulative impacts of mercury and other emissions), has been added to this FEIS. A discussion on mercury control has been added to Section 2.5.4, *Alternative Air Pollution Control Strategies*, in this FEIS. Additionally, Appendix D, *Evaluation of Alternative Control Strategies* (which evaluates emissions control alternatives for mercury and other emissions), has been added to this FEIS.

The project-related increases in mercury deposition and bioaccumulation at the location of the maximum mercury concentration near the Station boundary are expected to be less than 0.5 percent. The cumulative increases in mercury deposition and bioaccumulation (that is, the increases associated with the proposed project and reasonably expected future actions) at the location of the maximum mercury concentration near the Station boundary are expected to be less than 3 percent of the existing levels.

- G1-3** Chapter 3 of this FEIS includes updated information on the recent delisting of the bald eagle from the Endangered Species List. The Biological Assessment and DEIS include all information available regarding bald eagle occurrence in the project area, including the Triennial Bald Eagle Winter Survey data obtained from Nevada Department of Wildlife (NDOW) for the years 1995, 1998, 2001, 2004, and 2007. The U.S. Fish and Wildlife Service (FWS) concurred with the assessment presented in the Biological Assessment. However, based on the recent de-listing of the bald eagle, consultation with the FWS is no longer required. Surveys were conducted for ferruginous hawks in June 2005. All other species observed during the 4- to 5-week survey times for the project were recorded and noted in the DEIS.

The FWS requires that a Biological Assessment address those federally-listed species if they, or their habitat, occur or could potentially occur in a project area and, therefore, could potentially be affected by a proposed project. The FWS listed only the bald eagle and yellow-billed cuckoo in letters provided to the BLM as species that have the potential to occur within the project area. It was recognized that habitats with wet meadows, alkaline salt-crusts meadows, greasewood playa pans, and sand dunes do exist in Steptoe Valley and could potentially support special status plant species such as the Ute ladies' -tresses orchid. This orchid and other similar plants were assessed for the probability of occurrence for each species and designated as no, low, medium, or high potential. This qualitative assessment was based on reconnaissance-level surveys conducted for special status plants and soil survey mapping to identify substrate. Species range maps found online from the Nevada Natural Heritage Program (NNHP) were also examined to determine the distribution within the state. It was determined that the Ute ladies' -tresses orchid had a low probability of occurring within the project area based on range extension and soils (see Table 3.5-9 in the DEIS and this FEIS). Regardless, to address this comment further, a BMP has been added to Appendix A, *Best Management Practices*, in this FEIS which states that surveys for special status and BLM sensitive plant species, which would include Ute ladies'-tresses, will be conducted prior to construction and, if necessary, appropriate mitigation agreed to by WPEA and the BLM will be followed.

G1-3 (cont.) *Ute ladies'-tresses orchid*
 Although the DEIS assumes a low probability of Ute ladies'-tresses orchid in the area, surveys should be done for this threatened species and other special status plants before a decision can be made or any groundwater pumping for the project can proceed to ensure that this threatened species will not be adversely impacted by the project.

Systematic inventories of biological resources

G1-4 The Federal Land Policy and Management Act ("FLPMA") requires that BLM prepare and maintain a current inventory of all public lands and their resources. See 43 U.S.C. § 1711(a). In fact, systematic inventory of public lands and their resources is meant to form the basis of BLM's land use planning process and that planning is in turn to be used in making determinations about site-specific projects. See 43 U.S.C. § 1701(a)(2). Here BLM has not conducted any systematic inventories of the biological resources on public lands it manages in the Ely District and is still in the process of revising the Draft EIS for the Resource Management Plan. Without a clear understanding of the current status of the resources of these public lands BLM cannot make a rational decision regarding the proposed project's impacts to public lands. See *Center for Biological Diversity v. U.S. Bureau of Land Management, et al.*, 422 F. Supp. 2d 1115, 1166-68 (N.D. Cal. 2006) (holding that it was arbitrary and capricious for BLM to approve a project based on outdated and inaccurate information regarding biological resources found on public lands). BLM cannot approve any action that would change the current *status quo* based on an inadequate inventory and incomplete information regarding the resources these public lands including, but not limited to, the status of special status species, water resources, riparian dependent species, and riparian vegetation. BLM's failure to maintain a current inventory of these resources violates both the spirit and letter of FLPMA and precludes proper identification of baseline environmental conditions as required under NEPA. See 43 U.S.C. §§ 1701(a)(2), 1711(a); 40 C.F.R. § 1502.15.

III. The DEIS Fails to Adequately Analyze the Proposed Project's Environmental Consequences.

A. The DEIS Fails to Adequately Analyze the Proposed Project's Direct and Indirect Impacts

NEPA requires agencies to identify and analyze the direct and indirect impacts of their actions when preparing an EIS. 42 U.S.C. § 4332(C). The DEIS fails to address or sufficiently analyze a number of the proposed project's environmental impacts as detailed below.

a. Water Resources

G1-5 The DEIS fails to give a complete and adequate description and analysis of a number of the direct and indirect impacts on water resources.

First, the DEIS does not address the environmental consequences of using the groundwater rights (granted to White Pine County by the Nevada State Engineer in Steptoe Valley for energy production purposes) for their stated purpose (DEIS at 1-3). As noted in the DEIS, the western United States is "projected to have the largest percent change in population of

G1-4 Existing baseline data and the further studies performed for this EIS ensured the proper identification of baseline environmental conditions. The BLM and NDOW, working together and separately, have been surveying the plants and animals in Steptoe and Butte Valleys for decades. With the proposal of the White Pine Energy Station, project-specific aerial and ground surveys were conducted with the guidance of the BLM and NDOW. The aerial survey was conducted for greater sage-grouse in 2005 in areas of suitable habitat in the Southwest Intertie Project (SWIP) corridor, the proposed water pipeline and distribution corridors east of U.S. 93 and in Steptoe Valley, the power plant proposed and alternative sites, well sites, and rail spur sites (see DEIS, page 3-87). Historic lek locations were examined to determine if any greater sage-grouse were active in portions of Steptoe and Butte Valleys. Data from the BLM and NDOW indicated that in 2005 there were 21 leks in the two valleys – but no leks or individual greater sage-grouse were identified in any portion of the project area during the 2005 aerial survey. BLM and NDOW continue to conduct aerial and ground-based greater sage-grouse surveys.

In addition, the entire project area was walked by the biological consulting team in 2005 to record vegetation community information and general presence of noxious weeds within the proposed rights-of-way (ROWs). During these surveys, all wildlife and aquatic species observed were recorded and mapped. When ground water modeling indicated that the project could potentially result in drawdown to springs in the valley, a springsnail expert was contracted to inventory the presence of sensitive and non-sensitive springsnails in areas the ground water model showed may be impacted by ground water pumping. A total of 50 springs were surveyed for the presence of sensitive and common aquatic species. Wetland delineations were conducted for all potential wetland sites within the project area. The project area is dominated by sagebrush and pinyon-juniper communities. In addition, the NDOW, Nevada Natural Heritage Program provided additional information on relict dace surveys conducted in the project area, bald eagle winter data (Bald Eagle Triennial Winter Survey-FWS and NDOW), and other sensitive species of concern. Pygmy rabbit habitat and occurrences were recorded during field surveys and are also addressed in the DEIS and this FEIS.

G1-5 Potential impacts of the White Pine Energy Station on water resources are discussed in Section 4.3 (*Surface Water*) and Section 4.4 (*Ground Water*) of the DEIS and this FEIS. A summary of the potential impacts to these resources is presented in Table ES-2. The environmental consequences of using a portion of White Pine County's 25,000 acre-feet per year of industrial water rights (5,000 acre-feet per year is all that is needed by WPEA to operate either the Proposed Action or Alternative 1) are addressed in Section 4.4 of the DEIS and this FEIS.

The Nevada State Engineer, not the BLM, is responsible for the allocation of ground water in the project area. In 1980, the State Engineer issued an order designating Industrial/Power Generation as the preferred use of ground water in Steptoe Basin. Following a public hearing in 1983, the Nevada State Engineer granted White Pine County the rights to withdraw up to 25,000 acre-feet per year of ground water in Steptoe Valley for industrial purposes, including power generation. The State Engineer also designated ground water in that portion of Steptoe Valley surrounding Ely and north to McGill for municipal uses and elected to curtail future appropriation of water for irrigation in that area. The City of Ely holds municipal water rights of 14,476 acre-feet, which the City estimates would serve a population of approximately 20,000 and be adequate for the City's long-term growth. However, the City of Ely uses less than 3,000 acre-feet of its municipal water rights to meet current needs for a population of 4,325 (White Pine County, 2007).

The White Pine County Board of County Commissioners' letter of July 11, 2007, to the BLM (White Pine County, 2007) points out that if the water rights granted to White Pine County by the State Engineer for power production are not used for that beneficial use, they could be forfeited or otherwise lost by the county. Further, any change in use by the county would require approval by the State Engineer and would be subject to protest and/or denial. It should also be noted that in response to public concerns, WPEA revised its proposed cooling system to reduce ground water annual consumption from 25,000 acre-feet to 5,000 acre-feet.

The annual demand for 5,000 acre-feet of water by either the Proposed Action or Alternative 1, together with the most recent known ground water demand by other permitted ground water users, would use less than 15,000 acre-feet of ground water. These values are only a small fraction of the annual ground water perennial yield of Steptoe Valley (70,000 acre-feet). Water rights held by White Pine County are senior to many of the other water rights in the basin, and pumping of these senior water rights (up through White Pine County power production water rights) would not exceed the perennial yield of the basin. The Nevada State Engineer would restrict pumping of water rights junior to those of White Pine County for power production if issues regarding perennial yield were to occur.

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any region" in between 2000 and 2030 (DEIS at 1-1). Not only will this population growth cause increased demand for electricity, but it will also create increased demand for water, which is much less abundant in Nevada and the western states generally. With, for example, the Colorado River flow decreasing over the past several years, a flow which many people in the west rely on, and other reductions in water supplies, it is eminently reasonable for BLM to consider the impacts of using Steptoe Valley groundwater for energy purposes instead of for municipal water supply, or for that matter, leaving it in the ground for environmental purposes. This is especially true given the fact that electricity can be produced without using nearly as much water as steam turbine technologies, such as would be used in the proposed project. In fact, given these considerations and NEPA's mandate to assess the long-term implications of agency actions, it is unreasonable not to consider the impacts of the proposed project due to the fact that it would foreclose alternate uses for the Steptoe Valley groundwater. See 42 U.S.C. § 4332(C).

Here, the proposed project would extract about 5,000 acre-feet annually from basin-fill aquifers in the Steptoe Valley/hydrographic basin (DEIS at 2-25). If used for residential water supply, the 5,000 acre-feet per year that would be used by the proposed project could instead provide enough water for approximately 5,000 families of 5 people each, a not insignificant tradeoff.

G1-6 | Second, as discussed below regarding cumulative impacts, the DEIS also fails to adequately analyze the impacts of the proposed water use on surface waters and springs on public lands and elsewhere and the indirect impacts that loss of surface waters may have on wildlife and fish in the area, including, but not limited to, the relict dace, springsnails, Columbia spotted and northern leopard frogs, greater sage grouse, and pygmy rabbits. BLM is charged with protecting all of the resources of the public lands it manages and cannot ignore such impacts. Instead of relying primarily on computer modeling and old well tests, BLM should use more recent (if available) or perform new well testing to inform its analysis of the impacts on groundwater pumping on surface waters and springs.

G1-7 | Third,, the DEIS states that "[b]ased on detailed analysis of the soil conditions in Steptoe Valley," the potential for land subsidence and reduced aquifer capacity due to groundwater extraction is "negligible" (DEIS at 4-20). However, BLM does not cite to any particular study or analysis in support of its contention. This is unacceptable under NEPA. BLM cannot substitute bare and unsupported conclusions for reasoned and open analysis. BLM must support its conclusions with scientific analysis and must make such analyses and studies relied upon available to the public. See 42 U.S.C. 4332(C).

The DEIS's analysis of the proposed project's direct and indirect impacts on water resources and the species that depend on those resources is thus inadequate.

b. Air Resources

G1-8 | The DEIS fails to give a complete and adequate description and analysis of a number of the direct and indirect impacts on air resources, most glaringly greenhouse gas emissions and global warming.

G1-6 Potential project-related effects on springs resulting from ground water withdrawals are analyzed in Section 4.4, *Ground Water Resources*, of the DEIS and this FEIS because springs are an expression of ground water function and influence. Appendix H of the DEIS and Appendix Q of this FEIS provides detailed documentation of the use of a numerical model to simulate ground water response to pumping for the White Pine Energy Station and the degree of effect on ground water levels and springs. The BLM (lead agency) and the cooperating agencies in the preparation of this EIS concluded that the best available data had been used in the ground water modeling analysis and that modeled results adequately characterized ground water conditions that would result from the operation of the proposed project. These analyses conclude that the proposed White Pine Energy Station would not result in a substantial decline in ground water levels or a substantial depletion of ground water resources in Steptoe Valley, and it would not impact ground water quality. The anticipated amount of ground water level decline is within the range of historical ground water level fluctuation observed in wells in Steptoe Valley. The analysis does conclude, however, that under the Proposed Action, pumping ground water from basin-fill aquifers in Steptoe Valley could result in localized ground water level declines between 2 and 6 feet in 12 nearby areas where springs are present on the floor of Steptoe Valley. No adverse effects on springs from ground water withdrawals were identified for Alternative 1.

Section 4.5.3.1.2, *Operation Impacts*, of the DEIS and this FEIS states that under the Proposed Action, long-term ground water pumping could potentially reduce flow in 12 perennial springs in Steptoe Valley, which could adversely affect aquatic species and wildlife that rely on the springs for water sources. All 12 of these springs support relatively common species of mollusks and aquatic insects and two springs support sensitive endemic springsnails. There are no recorded relict dace occurrences within the predicted cone of depression. The analysis concludes that reduced spring discharge flows caused by Station water pumping could potentially eliminate or reduce local springsnail populations. In addition, Section 4.5.4.1.3, *Impacts to BLM and State of Nevada Sensitive and Protected Wildlife and Fish Species*, of the DEIS and this FEIS addresses impacts to Columbia spotted and northern leopard frogs from ground water pumping if spring flows and water levels are adversely affected.

To address the potential effects on springs and their associated biological resources, Appendix G in this FEIS outlines the components of the proposed ground water monitoring and mitigation program (subject to approval by the Nevada State Engineer) that would be implemented under either the Proposed Action or Alternative 1 prior to project start-up. This program has been included as a component of the proposed project in Chapter 2 of this FEIS and has been augmented from that presented in the DEIS to include more information on the location of monitoring wells, spring monitoring locations, monitoring frequency, and contingency actions in the event that the discharge from known springs may experience a potentially adverse reduction as a direct response to continued pumping and it is determined that the production well is the actual cause of that potential impact or contamination associated with WPEA activities is anticipated above applicable water quality standards. The ground water monitoring program includes potential corrective or mitigative actions that WPEA is committed to follow in the event potentially adverse impacts to springs and associated biological resources resulting from WPEA activities are anticipated. If the monitoring program indicates that Station ground water pumping could adversely affect spring flow rates and water levels, and therefore may potentially affect special status and sensitive plant and animal species present in or adjacent to those springs, WPEA will modify their pumping strategy in the well field to avoid the potential for impacts to springs and their biological resources.

Section 4.3, *Surface Water Resources*, of the DEIS and this FEIS also addresses the potential for ground water related effects on surface water features other than springs. The analysis concludes that no streams or creeks in Steptoe Valley would be adversely affected by ground water pumping for the Station Proposed Action. None of these features in Steptoe Valley are sustained perennially by

ground water discharge under natural conditions. Duck Creek is a losing stream in which flows progressively decrease downstream as water infiltrates through the stream bed (under natural conditions, the ground water table is below the bottom of the stream bed). Even though ground water level declines of more than 4 feet (but less than 6 feet) could occur beneath Duck Creek west of the Proposed Action power plant site, the flow in this reach of Duck Creek would not be adversely affected because it is fed by runoff from precipitation or snowmelt. Similarly, the various local drainages and washes that cross the Proposed Action power plant site are ephemeral and, therefore, flow only in the vicinity of these locations when runoff is sufficiently high. As a result, Station ground water pumping would not adversely impact these surface water features. For the same reasons, no adverse effects on streams or creeks from ground water pumping were identified for Alternative 1.

Additional discussion of the potential environmental impacts resulting from ground water withdrawals is contained in the DEIS and this FEIS at Section 4.4.1.2, *Decrease in Spring Discharge*, and Section 4.4.1.3, *Surface Water Features*, for the Proposed Action and at Section 4.4.3.2, *Decrease in Spring Discharge*, and Section 4.4.3.3, *Surface Water Features*, for Alternative 1. Section 4.5.3, *Wildlife and Fisheries Resources*, of the DEIS and this FEIS discusses ground water related effects on biological resources.

- G1-7** Section 4.4.1.6, *Land Subsidence*, in this FEIS has been revised to state that land subsidence would not occur because maximum ground water drawdowns resulting from the proposed White Pine Energy Station are anticipated to be on the order of no more than 10 feet and would be localized in the vicinity of the Station wells.
- G1-8** Further analyses of climate change have been added to this FEIS. Section 3.6.2, *Climate Change*, has been added and includes a broad discussion of the currently observed impacts to resources associated with climate change. Section 4.6.2, *Climate Change*, has been added to this FEIS to describe projected future changes in climate, along with discussions of the various factors thought to influence climate. Section 4.19.3.6.2, *Climate Change*, has been added to discuss the potential incremental cumulative impacts of emission sources on climate change. Finally, Appendix M, *Understanding and Evaluating Climate Change*, has been added to this FEIS as a reference and as the source of the expanded EIS discussion. The potential cumulative impacts of all global carbon dioxide emissions are summarized in Section 4.19.3.6.2, *Climate Change*, and in Appendix M, *Understanding and Evaluating Climate Change*, of this FEIS.

Emissions of carbon dioxide from locomotive transport, construction, and other project components are negligible in comparison to the annual carbon dioxide emissions from the pulverized coal-fired boilers and are therefore not included in this FEIS.

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Consent Letter 01

Page 1 of 10

The purpose of this letter is to inform you of the results of the review of your application for the [redacted] project. The review was conducted by the [redacted] and the results are as follows: [redacted]

The review found that your application meets the requirements of the [redacted] and the project is eligible for funding. However, there are some conditions that must be met before the project can be funded. These conditions are: [redacted]

The review also found that your application is missing some information. This information is needed to complete the review process. The missing information is: [redacted]

To be eligible for funding, you must provide the missing information by the deadline of [redacted]. If you do not provide the information by the deadline, your application will be considered incomplete and will not be funded.

The review also found that your application is missing some information. This information is needed to complete the review process. The missing information is: [redacted]

The review also found that your application is missing some information. This information is needed to complete the review process. The missing information is: [redacted]

G1-8
(cont.)

↑ *Greenhouse gases and global warming*

While the DEIS includes a short blurb about the proposed project's greenhouse gas ("GHG") emissions and provides a yearly and hourly CO₂ emission estimate for the coal plant itself, it does not estimate or discuss the emissions from the locomotive transport of coal from Wyoming to the project site, nor does it estimate or discuss the emissions that would be caused by project construction and other project components. Thus the DEIS fails to provide a complete inventory of the proposed project's greenhouse gas emissions, which is basic information needed to assess the project's impacts. The DEIS then fails to identify or analyze the actual direct, indirect and cumulative environmental impacts even of the GHG emissions that were identified. (DEIS at 3-114, 4-119). This is unacceptable.

BLM must fully disclose and evaluate the project's greenhouse gas and global warming implications. It must fully analyze the proposed project's direct, indirect, and cumulative greenhouse gas emissions. The greenhouse gas emissions of each project component must be quantified and disclosed, including construction, operation of the coal plant itself, transportation of the coal from Wyoming to the project site, and other emissions associated with worker transport to the plant. The impact of these emissions must be fully discussed and placed in proper context. Alternatives which reduce or eliminate the proposed project's total impacts must be proposed, including the adoption of energy conservation measures and the development of renewable energy sources such as wind and solar instead of coal. BLM should also disclose an estimate of the economic cost of the proposed project's greenhouse gas emissions. In fulfilling these disclosure and analysis responsibilities under NEPA, BLM should consider the following impacts, information and literature on global warming and GHG emission.

General information and literature

Concerned that the consequences of human-induced global warming will "adversely affect world agricultural and marine production, coastal habitability, biological diversity, human health, and global economic and social well-being," Congress passed the Global Change Research Act in 1990. 15 U.S.C. §2931(a)(2). The purpose of the GCRA is "to provide for development and coordination of a comprehensive and integrated United States research program which will assist the Nation and the world to understand, assess, predict, and respond to human-induced and natural processes of global change." 15 U.S.C. § 2931(b).

To this end, the GCRA requires the Climate Change Science Program ("CCSP") to prepare, not less frequently than every 4 years, a scientific assessment on global warming, its societal and environmental impacts, and the scientific certainties and uncertainties surrounding it.

This scientific assessment ("National Assessment") is to be used by "all Federal agencies and departments" in "responding to human-induced and natural processes of global change pursuant to other statutory responsibilities." 15 U.S.C. § 2938(b)(2). The BLM has a clear duty to use the National Assessment in its evaluation of the proposed project.

The last National Assessment was transmitted to Congress in November, 2000. This 600-page report entitled *Climate Change Impacts on the United States: The Potential*

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G1-9 *Consequences of Climate Variability and Change* and its associated 154-page summary sought to identify the key climatic vulnerabilities of particular regions and economic sectors of the country in the context of the changes in the nation's environment, resources, and economy. While CCSP has missed the deadline of November, 2004, for completion of the updated National Assessment, this does not excuse the BLM from using the available version supplemented by the best available scientific information. Key publications since the November, 2000 National Assessment include IPCC (2001, 2007a, 2007b), ACIA (2004), Epstein and Mills (2005), Shellnhuber (2006), and NAS (2006), Hansen (2006), Hansen et al. (2006, 2007), and California Climate Change Center 2006. At a bare minimum, these major synthesis reports (full citations below in Literature Cited section) must be considered along with the National Assessment in the EIS for the proposed project.

G1-10 Perhaps the DEIS's most egregious flaw is its complete failure to provide any context for consideration of the proposed project's greenhouse gas emissions. The enhanced greenhouse effect, or global warming from anthropogenic greenhouse gas pollution, is as well understood as any phenomenon in the planetary sciences. The Intergovernmental Panel on Climate Change (IPCC) has most recently released Climate Change 2007 (IPCC 2007a,b), which summarizes many of the major findings. Some of the science and policy implications are discussed briefly below. Scientists have demonstrated that anthropogenic greenhouse gas emissions have altered the energy balance of the earth by 0.85 ± 0.15 watts per square meter (Hansen et al. 2005); due to the lag time in the climate system, this energy imbalance commits the earth to additional warming of .6° C (1° F) of warming that is already "in the pipeline," even absent additional greenhouse gas emissions (Hansen et al. 2005).

Leading scientists are now able to tell us, with a high degree of certainty, that additional warming of more than 2.0- 3.0° C (3.8-2.7° F) above year 2000 levels will constitute "dangerous climate change," with particular reference to sea level rise and species extinction (Hansen 2006; Hansen et al. 2006, 2007). The "tripwire" between keeping warming above 2000 levels to less than 1.0° C (1.8° F) and between experiencing warming of more than 2.0- 3.0° C (3.8-5.4° F) above 2000 levels depends on a very small amount of anthropogenic greenhouse gas emissions because warming of more than 1.0° C (1.8° F) above 2000 levels will likely result in climate feedbacks that will result in 2.0 to 3.0° C additional warming even without substantial additional greenhouse gas emissions. Furthermore, scientists are able to describe the likely atmospheric greenhouse gas level "ceiling" that must not be exceeded in order to prevent additional warming of more than 1° C (1.8° F) above year 2000 levels (Hansen 2006; Hansen et al. 2006, 2007): they tell us the ceiling is approximately 450-475 ppm of carbon dioxide, depending upon levels of other greenhouse gases, such as methane and nitrous oxide.

In order to stay within the ceiling, emissions must follow what has become known as the "alternative," rather than the "business as usual," greenhouse gas emissions scenario (Hansen 2006; Hansen et al. 2006, 2007). In the business as usual scenario, carbon dioxide emissions continue to grow at about 2% per year, and other greenhouse gases such as methane and nitrous oxide also continue to increase (Hansen 2006; Hansen et al. 2006, 2007). In the alternative scenario, by contrast, carbon dioxide emissions decline moderately between now and 2050, and much more steeply after 2050, so that atmospheric carbon dioxide never exceeds 475 parts per

G1-9 Appendix M, which discusses climate change issues and is summarized in Section 4.6.2, *Climate Change*, of this FEIS, references a variety of peer-reviewed sources, including the Intergovernmental Panel on Climate Change (IPCC).

G1-10 See the response to Comment G1-8.

million (Hansen 2006; Hansen et al. 2006, 2007). The alternative scenario should limit global warming to less than an additional 1°C in this century (Hansen 2006; Hansen et al. 2006, 2007).

Unfortunately, society so far has not followed the alternative scenario. Instead, carbon dioxide emissions have continued to increase by 2% per year since 2000 (Hansen 2006; Hansen et al. 2006, 2007). If this growth continues for just ten more years, the 35% increase in CO₂ emissions between 2000 and 2015 will make it unlikely we can achieve the alternative scenario (Hansen 2006; Hansen et al. 2006, 2007).

Just ten more years on current greenhouse gas emissions trajectories will essentially commit us to climate disaster. Dr. James E. Hansen, Director of the NASA Goddard Institute for Space Studies, and NASA's top climate scientist, has stated: "In my opinion there is no significant doubt (probability > 99%) that . . . additional global warming of 2°C would push the earth beyond the tipping point and cause dramatic climate impacts including eventual sea level rise of at least several meters, extermination of a substantial fraction of the animal and plant species on the planet, and major regional climate disruptions" (Hansen 2006:30).

In order to avoid truly unacceptable consequences of global warming, we must stop the growth of greenhouse gas emissions, and, in relatively short order, begin reducing them. Achieving the reductions necessary to keep post-2000 global warming within 1°C will be extremely challenging.

Global warming is one of the foremost problems our nation faces today and implicates all aspects of society, including environmental health and biodiversity, public health, the stability of our economy, and national security. Overall, the World Health Organization estimates that as of the year 2000, 154,000 deaths and the loss of 5.5 million daily adjusted life years per year worldwide are attributable to global warming (WHO 2002). This toll is due to the combined impacts of higher temperatures, increasing weather variability such as more frequent and intense droughts and floods, a pattern of more violent tropical storms, as well as more subtle, gradual changes that can also profoundly damage public health (Epstein and Mills 2005). The economic costs of greenhouse gas emissions and the impact to plants and animals are discussed in more detail below.

G1-11 | The DEIS omits any mention of the international scientific consensus regarding the
profound risk from continued greenhouse gas emissions, and increasingly urgent warnings from
leading scientists that emissions must be reduced in order to avoid dire consequences (Hansen
2006, Hansen et al. 2006, 2007). The scientific literature indicates that just ten more years of
continued emissions trajectories will make it difficult if not impossible to avoid setting in place
climate feedbacks which will amplify the direct warming from anthropogenic greenhouse gas
emissions and commit the world to impacts such as the melting of the polar ice caps, rapid and
extreme sea level rise of up to 20 feet within a century, and extinction of a third of the world's
species (Hansen 2006, Hansen et al. 2006, 2007). In short, we simply cannot continue with
"business as usual" energy use without triggering catastrophic environmental and societal
impacts. Building new coal fired power plants will commit us to massive new emissions and
greatly hinder our nation's and the world's ability to achieve the necessary emissions reductions
G1-12 ↓ in order to avoid these extreme impacts (NJPIRG 2006; NETL 2006). The DEIS's complete

*Comments from Center for Biological Diversity
White Pine Energy Station Project DEIS
June 18, 2007*

G1-11 See the responses to Comments G1-8 and G1-9.

G1-12 See the response to Comment G1-8. Also, it is noted that building new plants does not affect the ability for greenhouse gas emissions reductions to be achieved through a cap-and-trade program or a "carbon tax." Table 4.6-31 has been revised in this FEIS to reflect the expected carbon content of the fuel to be used at the Station, resulting in a revision of the estimated carbon dioxide emission rate for the proposed Station to 12.88 million tons per year.

↑ failure to address the impact of the proposed project's greenhouse gas emissions renders it legally inadequate.

G1-12
(cont.)

The DEIS contains none of the information or context necessary to inform a reader about the true nature and extent of greenhouse gas emissions and global warming, or the project's contribution to these problems. Basic information regarding U.S. greenhouse gas emissions that is readily available (see, e.g. U.S. EPA 2006, CARB 2006) is omitted. There is no discussion of the project's significance. The proposed project, which would produce more than 20 million metric tons of greenhouse gases per year, would result in over 800 million metric tons of greenhouse gas pollution over its 40 year lifetime. This vast amount of pollution (nearly twice the entire annual emissions of the State of California (CEC 2006)), must be discussed in context.

Economic costs of global warming

The economic cost of greenhouse gas pollution is the estimated cost of the net impact on economies and societies of long term trends in climate conditions related to anthropogenic greenhouse gas emissions (Downing et al. 2005). The economic cost is generally expressed as the marginal cost of climate change impacts, and is usually estimated as the net present value of the impact over the next 100 years (or longer) of one additional ton of carbon emitted to the atmosphere today, and is expressed in dollars (or other currency) per ton of carbon (tc).¹

G1-13

There is a well developed and robust economics literature documenting the extraordinarily high societal costs of greenhouse gas emissions. The Stern Review of the Economics of Climate Change, a comprehensive report commissioned by the British government, recently concluded that allowing current emissions trajectories to continue unabated would cost the global economy between 5 to 20 percent of Gross Domestic Product (GDP) each year within a decade, or up to \$7 trillion per year, and warned that these figures should be considered conservative estimates (Stern 2006). By contrast, measures to mitigate global warming by reducing emissions were estimated to cost about one percent of global GDP each year, and could save the world up to \$2.5 trillion per year (Stern 2006). If we take no action to control emissions, each ton of carbon dioxide emitted today is causing societal damage worth at least \$85 (Stern 2006). These costs are often not considered by investors and decisionmakers – but they must be disclosed and analyzed under NEPA and other applicable laws. We suggest using \$85 per ton of carbon dioxide, multiplied by the total number of tons of carbon dioxide equivalent gases that would be produced by the proposed project, to estimate the cost of the project's greenhouse gas pollution. If other values from the literature are used, their selection should be justified. Disclosing an estimate of the economic costs of the proposed project's greenhouse gas emissions is a necessary but not sufficient part of the DEIS's analysis. The DEIS's discussion of global warming impacts must be qualitative as well as quantitative.

Species impacts of global warming

Global warming is one of the leading threats to all species worldwide. For example, a study published in the preeminent scientific journal *Nature* linked the extinction of dozens of amphibian species in Central and South America to global warming. The study shows how climate change has contributed to ideal conditions for growth of the chytrid fungus, a disease

¹ The cost can also be expressed per ton of carbon dioxide, where 1tc=3.664t CO₂.

- G1-13** A section titled *Social Cost of Carbon Dioxide Emissions* was added to Section 4.19.3.6.2, *Climate Change*, of this FEIS. This section discusses a wide range of published values for the social cost of carbon (SCC), ranging from \$1 to \$77 per ton of carbon dioxide emitted, including the value from the *Stern Report* referenced by the commenter.

For the purposes of this FEIS, the value assumed to be a conservative representation of the peer-reviewed SCC literature was \$12 per ton of carbon dioxide (\$50 per metric ton of carbon), the expected upper bound provided by Tol (2005) based on 28 published studies.

which kills frogs by growing on their skin and attacking their epidermis and teeth, as well as by releasing a toxin (Pounds et al. 2006). Seventy-four of the 110 species of brightly colored harlequin frogs of the genus *Atelopus* have disappeared in the past 20 years due to the spread of the fungus (Pounds et al. 2006). This study shows that global warming is not some future theoretical threat to the Earth's biodiversity, but rather is *already* responsible for one of the largest vertebrate extinction events in the past 100 years. Harlequin frogs may be among the first modern extinctions linked to global warming, but unfortunately, absent major reductions in greenhouse gas emissions they will not be the last.

Thomas et al. (2004) have estimated that up to one third of the species included in a study of 20% of the world's surface area may be committed to extinction because of global warming by the year 2050. This study was based on minimum, mid-range, and maximum warming IPCC (2001) scenarios (Thomas et al. 2004). Under the minimal climate-warming scenario, about 18% of species would be committed to extinction, while under the mid-range scenario about 24% of species would be committed to extinction, and under the maximum warming scenario about 35% of species would be committed to extinction (Thomas et al. 2004). Reducing greenhouse gas emissions will allow total warming to be kept to the low end of the range, thereby preventing many thousands of species extinctions (Thomas et al. 2004).

Global warming's impacts on United States species already listed as threatened and endangered have been well documented. The impact of climate change on wildlife in the Great Basin such as the pika and desert dwelling bighorn sheep has also been documented (Beever 2003, Epps 2004).

The endangered Quino checkerspot butterfly (*Euphydryas editha quino*) which occurs in southern California and Baja, Mexico is threatened by the significant warming and drying of its habitat from global warming (Parmesan and Galbraith 2004). The drying and warming is causing the species' host plant to die off and dry up prior to the completion of caterpillar growth, resulting in mass starvation of young caterpillars (Parmesan and Galbraith 2004). Two other listed species of *Euphydryas* butterflies, the Bay checkerspot and Taylor's checkerspot, are also impacted by global warming (Parmesan and Galbraith 2004). When species cannot shift their ranges northward or to increased elevations in response to climate warming, they will become extinct (Parmesan and Galbraith 2004).

Two species of Caribbean coral, the elkhorn coral (*Acropora palmata*) and staghorn coral (*Acropora cervicornis*) have been listed as threatened species, due to global warming and increased levels of dissolved carbon dioxide in ocean water. 71 Fed. Reg. 26852. Sustained increased ocean temperatures cause these coral to expel symbiotic algae on which they depend for photosynthesis and energy, the deadly phenomenon known as "coral bleaching." 71 Fed. Reg. 26858. In addition, increased levels of dissolved carbon dioxide in surface seawater acidifies the oceans and decreases the ability of these corals to calcify. 71 Fed. Reg. 26858-9.

The U.S. Fish and Wildlife Service has formally proposed listing the polar bear as a threatened species due to the melting of the Arctic sea ice, following a Petition and lawsuit by the Center for Biological Diversity, NRDC, and Greenpeace. 72 Fed. Reg. 1064-1099 (12-Month Petition Finding and Proposed Rule to List the Polar Bear (*Ursus maritimus*) as

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Threatened Throughout its Range; Proposed Rule; January 9, 2007). Polar bears are completely dependent upon Arctic sea-ice habitat for survival. Polar bears need sea ice as a platform from which to hunt their primary prey (ringed seals, *Phoca hispida*), to make seasonal migrations between the sea ice and their terrestrial denning areas, and for other essential behaviors such as mating. The polar bear's sea-ice habitat is melting away due to global warming, and the Arctic may be ice-free in the summer well before the end of this century (Overpeck et al. 2005). Polar bears cannot be expected to survive the near complete loss of their sea-ice habitat.

G1-14 | The BLM must consider the impact of the proposed project's direct, indirect, and cumulative greenhouse gas pollution on all species, and especially those listed or proposed for listing under the Endangered Species Act both in the DEIS and in the Endangered Species Act Section 7 consultation.

Mercury

G1-15 | The DEIS notes that the proposed project would cause some mercury emissions (DEIS at 4-90, 97). However, the DEIS fails to give any narrative description or analysis of the environmental impacts of the mercury emission. This is of particular concern given the extremely high amounts of mercury already being emitted throughout Nevada, the fact that methyl mercury is bioaccumulative toxin, and the fact that the proposed coal plant and associated cooling pond would be located quite close to the population centers of Ely and McGill, as well as Duck Creek, which houses a number of species of special concern including the Columbia spotted and northern leopard frogs (see, e.g., U.S. EPA, 2004).

Locomotive emissions

G1-16 | The DEIS predicts that locomotive air pollutant emissions will have minimal ambient impact (DEIS at 4-89). However, this conclusion is not based on any dispersion modeling as it should be.

c. Biological Resources

The DEIS fails to give a complete and adequate description and analysis of a number of the direct and indirect impacts on biological resources.

Impacts from greenhouse gas emissions and global warming

See the above discussion on greenhouse gases and global warming.

Impacts to species outside the project's footprint

G1-17 | As a threshold matter, because many of the project's impacts such as greenhouse gas emissions, mercury emissions, and nitrogen deposition impact species far outside the proposed project's footprint, the DEIS unlawfully constrained the scope of its analysis and therefore failed to disclose and analyze many of the project's impacts. The full range of the project's impacts must be analyzed under NEPA, the Federal Endangered Species Act ("ESA"), 16 U.S.C. §§ 1531 et seq., and other applicable laws.

- G1-14** See the response to Comment G1-8 regarding additional material added to the FEIS addressing Climate Change. As for impacts to species (and to species listed or proposed for listing as endangered), additional information was added to Section 3.5.4.3.2, *Federally Listed Species Based on Climate Change*, Section 4.5.4.1.2, *Impacts to Federally Listed Species Based on Climate Change*, and Section 4.19.3.6.2, *Climate Change*, of this FEIS.

Additional information was also added to Section 4.19.3.6.1, *Air Quality*, of this FEIS on climate change impacts from a single source. In brief, this section and Section 4.5.4.1.2 referred to above indicate no accepted procedures have been established to predict the potential climate impacts of a single carbon dioxide emission source. It is not possible to meaningfully quantify direct, indirect, or incremental cumulative impacts on species associated with carbon dioxide emissions from the proposed White Pine Energy Station. However, climate change has been considered as a reasonable foreseeable future scenario under cumulative impacts.

- G1-15** A general discussion of mercury emissions and ambient mercury has been added at Section 3.6.1.1.7, *Mercury*, of this FEIS. A new Section 4.6.1.1.6, *Mercury*, has been added to this FEIS to express estimates of the impacts of airborne mercury from the White Pine Energy Station on surface waters and biota. The project-related increases in mercury deposition and bioaccumulation at the location of the maximum mercury concentration near the Station boundary are expected to be less than 0.5 percent. The cumulative increases in mercury deposition and bioaccumulation (that is, the increases associated with the proposed project and reasonably expected future actions) at the location of the maximum mercury concentration near the Station boundary are expected to be less than 3 percent of the existing levels. These maximum increases were calculated at the location of maximum concentration just north of the proposed Station fence line where no aquatic ecosystems are known to exist. Actual increases at the locations of aquatic ecosystems in the area would be even lower.

- G1-16** The National Environmental Policy Act (NEPA) does not require air dispersion modeling for every known source of emissions in the project area. The DEIS presented a more qualitative assessment of the locomotive emissions, which considered that: (1) a small number of trains (12 per week) would deliver coal from Shafter to the power plant site; (2) locomotive emissions would be small in comparison to emissions from the proposed White Pine Energy Station; (3) locomotive emissions would be distributed over a large area (200-mile round trip). Based on this analysis, the DEIS concluded that railroad emissions are predicted to have minimal ambient impact. This conclusion is consistent with common experience as rail lines across the U.S. operate with much higher freight traffic than would be present on the Nevada Northern Railroad (NNR) without creating any air quality issues.

In addition, predicted locomotive emissions from Wyoming's Powder River Basin to Shafter, Nevada have been included in Table 4.6-5. The emissions have been updated to reflect the latest information and are discussed in Section 4.6.1.3.3, *Magnitude of Emissions During Operation*.

- G1-17** The analyses in the DEIS extended well outside of the project footprint (see Figure 3.6-1 in this FEIS). Additional cumulative analyses of mercury emissions, nitrogen deposition, greenhouse gas emissions, and potential impacts to species have been documented in Section 4.19.3.6.1, *Air Quality*, of this FEIS. Analyses of mercury emissions and nitrogen deposition have been added in Appendix L on *Cumulative Analysis for Air Quality*. Disclosure of potential impacts to species associated with greenhouse gas emissions and climate change has been added to this FEIS in Appendix M on *Understanding and Evaluating Climate Change*. These additional analyses also extend well beyond the project's footprint.

Impacts from operation of the trains from Wyoming to the proposed project site

G1-18 To operate at full capacity the coal plant would require 22,500 tons of coal per day. Thus, the project would lead to increased train traffic from Wyoming (where the coal to fire the power plant would be obtained) to the rail spur at the project site. The impacts from this increased train traffic, including noise, direct mortality via collisions with wildlife, localized air pollution, water pollution and others, are not assessed in the DEIS beyond Steptoe Valley, and sometimes, e.g. for vegetation, not beyond the immediate vicinity of the rail spur (see DEIS at 4.5). These impacts would result directly from the proposed project and must be accounted for in the EIS.

Special status bird species and the bald eagle

G1-19 Because there were no population surveys done for these species, the analysis of impacts in the DEIS cannot be entirely reflective of the actual impacts that the species will incur.

Ute ladies'-tresses orchid

G1-20 Because there were no surveys done for this special statues species of orchid, the analysis of impacts in the DEIS cannot be entirely reflective of the actual impacts that the species will incur.

Spring and surface water dependent species

G1-21 As discussed above, BLM must provide more baseline information and analysis to determine the impacts of groundwater pumping on spring and surface waters and the species that depend on those resources including, but not limited to, the relict dace, springsnails, Columbia spotted and northern leopard frogs, and other species.

d. Growth Inducement

G1-22 As noted in the DEIS, the proposed project would both create and support long-term and short-term population growth in the region (DEIS at 4-223). However, the DEIS does not discuss or analyze the many environmental impacts such growth would have. The resources that may be directly, indirectly, and/or cumulatively impacted by the proposed project and that must be thoroughly identified and evaluated in the final EIS include, but are not limited to, threatened and endangered species, native plants and wildlife, water resources, water quality, air quality and global warming.

B. The DEIS Fails to Adequately Analyze the Proposed Project's Cumulative Impacts

NEPA also mandates that EISs contain a discussion and analysis of the cumulative environmental impacts from the relevant projects or actions. 42 U.S.C. § 4332(C); 40 C.F.R. § 1508.7. As detailed below, the DEIS fails to adequately identify or analyze a number of cumulative impacts.

G1-18 The impacts of operation of the rail traffic using the NNR between Shafter and the White Pine Energy Station (a distance of 103 miles) are addressed in the DEIS and this FEIS. They include noise, wildlife collisions, and air emissions. These analyses apply to both Steptoe Valley and the line north to Shafter. No impact to water quality or vegetation would be expected to result from operation of the NNR. The DEIS presented an analysis of the locomotive emissions, which considered that: (1) a small number of trains (12 per week) would deliver coal from Shafter to the power plant site; (2) locomotive emissions would be small in comparison to emissions from the proposed White Pine Energy Station; (3) locomotive emissions would be distributed over a large area (encompassing 200 miles round-trip). Based on this analysis, the DEIS concluded that railroad emissions are predicted to have minimal ambient impact. This conclusion is consistent with common experience as rail lines across the U.S. operate with much higher freight traffic than would be present on the NNR without creating any air quality issues. As a result of this and other comments, predicted locomotive emissions traveling from Wyoming's Powder River Basin to Shafter, Nevada have been included in Table 4.6-5 of this FEIS. The emissions have been updated to reflect the latest information and are discussed in Section 4.6.1.3.3, *Magnitude of Emissions During Operation*, of this FEIS.

Types of impacts on other resources from rail traffic carrying coal from the Powder River Basin to Shafter would be similar to those impacts described for the NNR between Shafter and the White Pine Energy Station power plant site. Likely rail road routes and estimated current rail traffic from the Powder River Basin in Wyoming to Nevada were reviewed (Cambridge Systematics, 2007). Estimated current rail traffic on track segments between the Powder River Basin and Wells, Nevada, which is approximately 30 miles northwest of Shafter, is approximately 700 to 1,400 trains per week in Wyoming, 175 to 350 trains per week in Utah, and 66 trains per week between the Kennecott Smelter in Utah and Wells, Nevada (66 trains estimated by Maier [2008]). For the proposed White Pine Energy Station, 12 trains per week would carry coal from the Powder River Basin to Shafter and 12 trains per week would return to the Powder River Basin, for a total of 24 trains per week. The additional rail traffic of 24 trains per week compared to the current rail traffic by track segment listed in the preceding text would result in increases in rail traffic of approximately 1.7 to 3.4 percent in Wyoming, 6.9 to 13.8 percent in Utah, and 36.4 percent between the Utah-Nevada border and Shafter based on the Kennecott Smelter to Wells estimate. Because of this, there would be a slight increase in the overall noise levels (but no increase in peak noise) and the potential for slightly increased wildlife collisions compared to current conditions proceeding west from the Powder River Basin to Shafter.

G1-19 The FWS, NDOW, and NNHP were contacted to obtain information on local populations or habitat that could occur in the project area. Data adequacy review indicated that recent information for some species was not available. As a result, species-specific surveys were undertaken in 2005 and 2006. Surveys included aerial surveys for the greater sage-grouse; ground-based surveys for the ferruginous hawk; aquatic surveys for springsnails, northern leopard frog, and relict dace; and habitat assessments for the pygmy rabbit and special status plants. This approach satisfies the various applicable laws, policies, and guidelines that apply including, but not limited to: the *Endangered Species Act*; the *Federal Land Policy and Management Act*; *Bald and Golden Eagle Protection Act of 1940*; and the *Migratory Bird Treaty Act of 1918*.

Winter population surveys for bald eagles have been conducted by the FWS in cooperation with NDOW (Triennial Bald Eagle Winter Survey) and this information was used in preparing the DEIS and this FEIS. Survey data were included from 1995, 1998, 2001, 2004, and 2007. Information from other surveys used in preparing Chapters 3 and 4 of the DEIS and this FEIS include: project specific surveys by EDAW in 2005 and 2006; BLM ferruginous hawk survey in 1982; Hawkwatch International (2005; project area aerial surveys in 2005 by BLM, NDOW, and EDAW for greater sage-grouse; ground surveys for greater sage-grouse by BLM in 2005; ground surveys by BLM and NDOW in 2006 for greater sage-grouse.

G1-20 Habitats with wet meadows, alkaline salt-crust meadows, greasewood playa pans, and sand dunes do exist in Steptoe Valley and could support special status plant species such as the Ute ladies'-tresses orchid. This orchid and other similar plants were assessed for the probability of occurrence for each species and designated as no, low, medium, or high potential. This qualitative assessment was based on reconnaissance-level surveys conducted for special status plant and soil survey mapping to identify substrate. Species range maps found online from NNHP were also examined to determine the distribution within the state. It was determined that the Ute ladies'-tresses orchid had a low probability of occurring within the project area based on range extension and soils (see Table 3.5-9 in the DEIS and this FEIS). Regardless, to address this comment further, a BMP has been added to Appendix C, *Best Management Practices*, in this FEIS which states that surveys for special status and BLM sensitive plant species, which would include Ute ladies'-tresses, will be conducted prior to construction and, if necessary, appropriate mitigation agreed to by WPEA and the BLM will be followed.

G1-21 See the response to Comment G1-6 regarding the potential effects of ground water pumping under the Proposed Action and Alternative 1 on springs, surface waters, and biological resources associated with these features, including springsnails, relict dace (no recorded occurrences in the predicted cone of depression), Columbia spotted and northern leopard frogs, and other species. The response to Comment G1-6 also describes the ground water monitoring and mitigation program, contained in Appendix G of this FEIS, which will be implemented as part of the proposed project. If the monitoring program indicates that Station ground water pumping could adversely affect spring flow rates and water levels, and therefore may potentially affect special status and sensitive plant and animal species present in or adjacent to those springs, WPEA will modify its pumping strategy in the well field to avoid the potential for impacts. This analysis covers maximum drawdown scenarios for ground water withdrawals and impacts to aquatic species.

Implementation of the proposed ground water monitoring and mitigation program would avoid potential impacts to springs and the species that may be dependent on them. Impacts to surface waters (for example, Duck Creek) are not expected from ground water pumping.

G1-22 Discussions have been added to each resource area in Chapter 4 of this FEIS on potential effects resulting from project-related short-term (construction) and long-term (operation) population increases where such effects are anticipated. Generally, the analyses indicated that long-term population increases in the area resulting from project operation would not be great enough to adversely affect project area resources. Construction-related population increases would exceed those during project operation and potentially affect some project-area resources (for example, see discussions of Recreation Resources, Wilderness). However, these effects would be temporary and cease with the completion of construction activities and workers leaving the project area.

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a. Water Resources

G1-23 Depending on the final location and implementation of the Ely Energy Center project, the proposed project here could have significant cumulative effects on a number of springs and other surface waters, and on hydrophytic plants and other spring-dependant species in the Steptoe Valley and elsewhere. The DEIS states that there “no quantitative groundwater modeling results or other information are available for the proposed Ely Energy Center to assess further the potential for cumulative impacts on groundwater resources” (DEIS at 4-265). However, given the probability of cumulative impacts on springs and other surface waters in the area that may be dependant on groundwater and the riparian obligate species in those environments, including many species of special concern, BLM has a duty to analyze these impacts further using appropriate groundwater testing as well as modeling.

G1-24 Cumulative impacts to surface waters and springs, and in turn impacts to biological resources (including, but not limited to, relict dace, springsnails, Columbia spotted and northern leopard frogs, greater sage grouse, and pygmy rabbits) may be caused by groundwater use for the proposed Ely Energy Center as well as the other massive proposed ground water pumping projects in the area – the Clark, Lincoln, and the White Pine Counties Groundwater Development Project, the Kane Springs Valley (KSV) Groundwater Development Project and Lincoln County Land Act Groundwater Development Project. The cumulative impacts of all of these projects on water resources, wildlife, and vegetation, must be identified and analyzed in a revised EIS before BLM can approve this proposed project.

b. Air Resources

Mercury

G1-25 As aforementioned, Nevada emits a lot of mercury. In fact, the Nevada’s gold mines emit 25% of all U.S. mercury emissions west of Texas (see, e.g., U.S. EPA, 2004). Thus, depending on dispersal processes, the mercury emitted from the proposed project could have a great cumulative impact. The DEIS contains no analysis of this impact and is thus inadequate under NEPA.

Greenhouse gases and global warming

G1-26 Greenhouse gas emissions are the quintessential cumulative impacts problem, and therefore a thorough and rigorous cumulative impacts analysis is particularly critical. The DEIS contained no real analysis at all. The DEIS should have disclosed and analyzed, at a minimum, the proposed project’s cumulative impacts in light of the many other coal fired power plants proposed and under construction around the country (NJPIRG 2006; NETL 2005). There are few individual contributors to global warming greater than coal-fired power plants, and the cumulative impact of such plants is devastating. The DEIS utterly fails to take a “hard look” at the cumulative impact of the proposed project’s greenhouse gas emission, and instead attempts to sweep this most critical of issues under the rug.

G1-23 The exact location of the wellfield that would serve the proposed Ely Energy Center has not yet been selected, as discussed in Section 4.19.3.4, *Ground Water Resources*, of this FEIS. However, the only location within the Steptoe Valley Hydrographic Basin that has the potential for cumulative impacts to ground water resources would be the Ely Energy Center wellfield located near Lages Station that could cause an overlap between the zones of ground water drawdown for the White Pine Energy Station and the Ely Energy Center. However, the most likely overlap area does not contain springs. Therefore, cumulative impacts to springs from the projects are unlikely. The zone of potential overlap does contain one permitted well, which is shown in Figure 4.4-3 in this FEIS north of the White Pine Energy Station drawdown zone and southwest of Lages Station. It is uncertain whether that well would be impacted because it is outside the 2-foot drawdown zone of the White Pine Energy Station wellfield and the drawdown zone for the Ely Energy Center is unknown at this time. It is anticipated that once the exact location of the wellfield for the proposed Ely Energy Center is known for certain and its effects analyzed, this information would be used in the EIS for the Ely Energy Center to analyze potential cumulative effects on ground water resources resulting from the proposed Ely Energy Center and the White Pine Energy Station. It also is anticipated that a ground water monitoring and mitigation program generally similar to that for the White Pine Energy Station would be developed for the proposed Ely Energy Center, and implemented and enforced according to Nevada State Engineer requirements.

G1-24 Section 4.19, *Cumulative Impacts*, of this FEIS considers the effects of all past, present, and reasonably foreseeable future actions with the potential to result in cumulative impacts when combined with the potential effects of the proposed White Pine Energy Station. Cumulative impacts were analyzed for all of the resources addressed in this FEIS. The size of the cumulative impact analysis area for each resource is defined and varies according to the nature of the resource, the geographic area in which impacts from the proposed White Pine Energy Station would occur, and the potential for overlapping cumulative effects of the White Pine project with other projects also located in the analysis area. Projects located outside the defined analysis area for a given resource would not contribute to cumulative impacts when combined with the effects of the proposed White Pine Energy Station and, therefore, were not included in the cumulative impacts analysis. Examples of such projects for ground water resources include the Kane Springs Valley Groundwater Development Project and the Lincoln County Land Act Groundwater Development Project.

For ground water resources, the cumulative impacts analysis area is restricted to basin-fill deposits in the Steptoe Valley Hydrographic Basin and includes the potential effects of the proposed Ely Energy Center. The U. S. Geological Survey's recent determination that the ground water between valleys in Nevada is connected is from the Basin and Range Carbonate Aquifer System (BARCAS) Study, which currently is in draft form. However, this conclusion of interconnectivity of ground water across hydrographic areas in White Pine County pertains to ground water in deep fractured rock. These BARCAS Report findings are discussed in Section 3.4.2, *Local Conditions*, of this FEIS. The water supply for either the Proposed Action or Alternative 1 would be ground water from the basin-fill deposits of Steptoe Valley that are not directly connected hydrologically to adjacent hydrographic areas. For this reason, projects affecting ground water outside Steptoe Valley were not included in the cumulative impacts analysis. As examples, the anticipated ground water level declines in Steptoe Valley as a result of either the Proposed Action or Alternative 1 would not affect the amount or rate of ground water flow from Steptoe Valley to adjacent valleys and therefore, would not affect springs or surface water features in Goshute Valley, Snake Valley, or Spring Valley. The recent decision by the State Engineer to award Southern Nevada Water Authority rights to ground water in Spring Valley would not result in a cumulative impact when combined with the effects of the proposed White Pine Energy Station.

The cumulative effects analysis of ground water resources also considers the effects of past, present, and reasonably expected future actions, including the proposed Ely Energy Center, on ground water in the analysis area. The analysis of impacts to ground water resources in this FEIS takes into account the most recent estimate of ground water pumping rate in Steptoe Valley (6,360 acre-feet in 2000) as being representative of current baseline ground water pumping. Analysis shows that no aquifer will be depleted by the ground water withdrawals for either the Proposed Action or Alternative 1 given these baseline conditions and effects of past and present projects. The amount of recharge to the basin-fill aquifer system in Steptoe Valley, which is the source of water to both the Proposed Action and Alternative 1, greatly exceeds the amount of water that would be pumped. The average annual ground water inflow to Steptoe Valley ranges from between 85,000 and 132,000 acre-feet per year. The annual water demand for either the Proposed Action or Alternative 1 is 5,000 acre-feet. The annual demand for water by either the Proposed Action or Alternative 1 together with the most recent known ground water demand by other permitted ground water users would use less than 15,000 acre-feet of ground water. This is much less than the annual ground water perennial yield of Steptoe Valley (70,000 acre-feet).

Because no project-related cumulative impacts on ground water resources would occur outside of Steptoe Valley, there would be no resultant ground water caused impacts on wildlife and vegetation in surface waters and springs outside of Steptoe Valley. Cumulative impacts on wildlife and vegetation in and adjacent to surface waters and springs associated with cumulative effects on ground water resources in Steptoe Valley are addressed in Section 4.19, *Cumulative Impacts*, of this FEIS.

- G1-25** A general discussion of mercury emissions and ambient mercury has been added at Section 3.6.1.1.7, *Mercury*, of this FEIS. A new Section 4.6.1.1.6, *Mercury*, has been added to this FEIS to express estimates of the impacts of airborne mercury from the White Pine Energy Station on surface waters and biota. The project-related increases in mercury deposition and bioaccumulation at the location of the maximum mercury concentration near the Station boundary are expected to be less than 0.5 percent. The cumulative increases in mercury deposition and bioaccumulation (that is, the increases associated with the proposed project and reasonably expected future actions) at the location of the maximum mercury concentration near the Station boundary are expected to be less than 3 percent of the existing levels.
- G1-26** Further analyses of climate change have been added to this FEIS. Section 3.6.2, *Climate Change*, has been revised to include a broad discussion of the currently observed impacts to resources associated with climate change. Section 4.6.2, *Climate Change*, has been added to this FEIS to describe projected future changes in climate, along with discussions of the various factors thought to influence climate. Section 4.19.3.6.1, *Air Quality*, has been revised to discuss the potential incremental cumulative impacts of emission sources on climate change. Finally, Appendix M, *Understanding and Evaluating Climate Change*, has been added to this FEIS. The potential cumulative impacts of all global carbon dioxide emissions are summarized in Section 4.19.3.6.1, *Air Quality*, and in Appendix M, *Understanding and Evaluating Climate Change*, of this FEIS.

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c. Biological Resources

G1-27 Cumulative impacts of all of the project components on biological resources must be thoroughly identified and analyzed in the context of other projects in the area that are likely to impact the same resources. As discussed above, there are many pending project proposals in this area including, but not limited to, additional coal fired plants, groundwater pumping projects, and urban sprawl development in Coyote Springs Valley. See also the discussion above on cumulative impacts related to greenhouse gases and global warming and water resources.

IV. The DEIS Fails to Provide a Reasonable Range of Alternatives.

Failure to include a full range of alternatives renders an EIS legally inadequate under NEPA. See Resources Ltd., Inc. v. Robertson, 35 F.3d 1300, 1307 (9th Cir. 1993); See also Alaska Wilderness Recreation and Tourism Ass'n v. Morrison, 67 F.3d 723, 729 (9th Cir. 1995). Here, the range of alternatives identified and analyzed by BLM is unreasonably narrow and the DEIS is thus legally inadequate.

A. BLM's Project Objectives Are too Narrow.

"The stated goal of a project necessarily dictates the range of 'reasonable' alternatives and an agency cannot define its objectives in unreasonably narrow terms." City of Carmel-by-the-Sea v. United States Department of Transportation, 123 F.3d 1142, 1155 (9th Cir. 1997). Generally, where an agency has defined its project objectives so narrowly as to preclude analysis of any alternatives other than those that are substantially similar to the agency's preferred alternative, its EIS (or environmental assessment) will be inadequate. See Environmental Protection Information Center v. United States Forest Service, ___ F.3d ___, 2007 U.S. App. LEXIS 11245 at *6-7 (9th Cir. May 9, 2007) (holding that an environmental assessment prepared by the U.S. Forest Service violated NEPA and was legally insufficient because the USFS defined its project objectives so narrowly that the only alternative that could meet all objectives was the preferred alternative).

Here, BLM's project objectives are much too narrow. The overarching and main objective of the proposed project appears to be to help "meet the increasing demand for power resulting from population growth, business expansion, and other factors" (DEIS at 1-1). However, the DEIS instead lists six much more narrow project objectives that any given potential alternative must meet to be fully analyzed as a true alternative (DEIS at 2-66). These include:

- capable of providing approximately 1,590 MW of reliable baseload power generation capacity;
- environmentally permittable;
- cost effective relative to pulverized coal;
- commercially proven and reliable;
- Place water held by White Pine County for power production in Steptoe Valley to beneficial use for power production; and
- Provide traffic for the Nevada Northern Railway ("NNR")

G1-27 The cumulative impacts analysis in this FEIS considers the effects of all past, present, and reasonably foreseeable actions with the potential to result in cumulative impacts when combined with the potential effects of the proposed White Pine Energy Station (see Section 4.19, *Cumulative Impacts*). Cumulative impacts were analyzed for all of the resources addressed in this FEIS. The size of the cumulative impact analysis area for each resource is defined and varies according to the nature of the resource, the geographic area in which impacts from the proposed White Pine Energy Station would occur, and the potential for overlapping cumulative effects of the White Pine project with other projects also located in the analysis area. Projects located outside the defined analysis area for a given resource would not contribute to cumulative impacts when combined with the effects of the proposed White Pine Energy Station and, therefore, were not included in the cumulative impacts analysis. Projects that were considered in the cumulative analysis of each of the resources analyzed in Section 4.19 are identified and briefly described in that section of this FEIS. Also, see the response to Comment G1-24.

G1-28 | These six objectives are much narrower than the overarching goal of meeting demand for electricity and thus preclude analysis of reasonable and viable alternatives that could help meet the growing demand for electricity, but do not meet the six criteria. BLM's project objectives are thus "unreasonably narrow." City of Carmel-by-the-Sea, 123 F.3d at 1155.

G1-29 | For instance, the DEIS contains no rationale for why an alternative would need to produce approximately 1,590 MW. While various renewable energy alternatives may produce slightly less electricity for the same land area or money, or be somewhat less reliable on a daily basis (e.g. wind), such alternatives would still help meet the increasing energy demands, and would do it in a much more environmentally sustainable way, in accordance with NEPA's general policy. 40 C.F.R. § 1500.1(c). The requirement of cost effectiveness relative to pulverized coal is likewise unduly narrow because it does not take into account the long-term costs, at least not explicitly, that will likely become associated with coal and other fossil-fueled electricity generation such as carbon dioxide (CO₂) emissions taxes or cap and trade programs and other externalized costs from coal plants such as air pollution and health impacts. In addition, there is no stated reason why the water held by White Pine County for power production should need to be put to use in the proposed project. Just because a resource is potentially available for use, does not mean it should, and certainly not needs to be, consumed. With renewable technologies such as wind or solar, the amount of water necessary for project operation would be much less and the water set aside for energy production could remain underground, keeping springs flowing and conserving species reliant on that type of habitat.

G1-30 |

G1-31 | Due to this narrow and unreasonable nature of BLM's project objectives, the only potential alternatives that sufficiently met the objectives to be analyzed as true alternatives were those involving coal and none using renewable and more environmentally friendly technologies. Thus, the DEIS only analyzes the preferred alternative and one other action alternative, which is essentially the same as the preferred alternative but in a different location. This violates the spirit and letter of NEPA by precluding reasoned comparison of project options and their environmental impacts. See, e.g., City of Carmel-by-the-Sea, 123 F.3d at 1155.

B. The DEIS Fails to Provide a Reasonable Range of Alternatives

NEPA requires that, in preparing and EIS, each agency "[r]igorously explore and objectively evaluate all reasonable alternatives" to the proposed action. 40 C.F.R. § 1502.14. Thus, the "existence of a viable but unexamined alternative renders and [EIS] inadequate." Idaho Conservation League v. Mumma, 956 F.2d 1508, 1519 (9th Cir. 1992); see also Resources Ltd, Inc., 35 F.3d 1300. Furthermore, an alternative is not rendered unviable if it is outside the jurisdiction of the lead agency. 40 C.F.R. § 1502.14(c). Quite to the contrary, analysis of "reasonable alternatives not within the jurisdiction of the lead agency" is required. Id.

G1-32 | Here, the DEIS examines *only two* action alternatives, both of which have the same project components and are only slightly different in their location (DEIS at 2-1). Neither of the two action alternatives comes close to being conservation alternatives. However, as aforementioned, there are true and viable conservation alternatives that the BLM should but does not fully analyze in the DEIS. Preeminent among these conservation alternatives are wind or solar power development, and/or energy conservation/efficiency.

G1-28 Several comments criticized the purpose and need statement in the DEIS on grounds that it focused too narrowly on the goals of WPEA and White Pine County and therefore precluded detailed analysis of what otherwise might be reasonable alternatives to the proposed project. In particular, commenters suggested that renewable energy generation, an integrated gasification combined cycle (IGCC) coal fired plant, a gas fired power plant, wind power, geothermal power, and energy efficiency and conservation measures were each reasonable alternatives that should have been carried forward. The DEIS Purpose and Need statement and comparison criteria, and each of the alternatives that various commenters suggested should have been carried forward, are addressed below.

Purpose and Need

NEPA requires detailed analysis only of those alternatives that are "reasonable" and that meet the stated purpose and need. "Reasonable" alternatives are those that are "practical or feasible from the technical and economic standpoint and using common sense." NEPA Forty Most Asked Questions, Answer 2a. With respect to purpose and need, the EIS must "briefly specify the underlying purpose and need to which the agency is responding." 40 CFR 1502.13. When the EIS is prepared in response to a private proposal, it is appropriate for the BLM to "consider the needs and goals of the parties involved in the application or permit as well as the public interest." See 73 Fed. Reg. 139 (Jan. 2, 2008). The BLM also is required to take into account the plans and goals of local governments in its land management decisions. 43 USC 1712 (c)(9). For the White Pine Energy Station, while the applicant is WPEA, the proposed project is essentially a joint proposal with White Pine County. The County is party to a joint development agreement with WPEA for the proposed power plant, and also has other long-held economic development plans that relate to and would be furthered by the proposed project, most notably reestablishing service on the County-owned Northern Nevada Railroad and utilizing water rights that have been approved for power generation use. See DEIS and FEIS Section 1.2, *Purpose, Need, and Background*. Also, in a letter from the White Pine County Board of County Commissioners to the BLM dated July 11, 2007 (White Pine County, 2007), the County stated that, "[t]he development of water resources for power generation in Steptoe Valley and the ability to reinstate rail freight service on Class III track are basic to White Pine County's long term goals of strengthening and stabilizing the area's economy and improving the quality of life for all White Pine County residents." The BLM believes the County's plans and goals, particularly when they are closely tied to the proposed project, are legitimate purpose and need factors.

Applying these principles and factors, the BLM believes the purpose and need and the alternatives screening process in the DEIS and this FEIS are appropriate and consistent with NEPA.

The multiple-use mission of the BLM includes authorizing and managing activities such as mineral development, energy production, recreation, and grazing, while conserving natural, historical, cultural, and other resources on public lands. The purpose of this BLM action is to provide public land for the development of energy production by allowing for the construction of a power plant on public lands managed by the BLM. The BLM's objective is to meet public needs for use authorizations such as ROWs, permits, leases, and easements while avoiding or minimizing adverse impacts to other resource values. The proposal to construct, operate, and maintain a coal-fired power plant on public lands would be in accordance with this objective.

The need for BLM action is established by FLPMA to respond to applications for ROW Grants and a request for land disposal. Section 2.2.1, *Description of BLM Actions*, in this FEIS describes in detail the BLM actions that would occur in response to the application for ROWs submitted by WPEA for the White Pine Energy Station.

With respect to the purpose and need for the proposed White Pine Energy Station, this FEIS contains the required brief, generalized statement in Section 1.2.3, *Project Purpose*, that is, to "supply reliable, low-cost electricity in an environmentally responsible manner to meet baseload energy needs in Nevada and the western United States, and to bring economic benefits to White Pine County,

Nevada." The phrase "environmentally responsible manner" is intended to mean that the White Pine Energy Station will meet or exceed all applicable environmental regulations and that environmental considerations were taken into account in the plant design and construction procedures. This FEIS then provides a list of five more detailed criteria designed to assess the degree to which potential alternatives would satisfy the broadly stated purpose and need, and would be "reasonable" for NEPA purposes (that is, economically and technically practical and feasible). These criteria are: (1) would the alternative utilize technology that is commercially proven and reliable (2) is the alternative environmentally permissible (3) how cost-effective would the alternative be (with the proposed project as a benchmark) (4) would the alternative provide approximately 1,590 MW of baseload generating capacity, (5) would the alternative have proximity to White Pine County infrastructure and water rights and use White Pine County's water rights for their approved purpose, and (6) would the alternative provide traffic for the County-owned Northern Nevada Railroad? See FEIS Sections 1.2, *Purpose, Need, and Background*, and 2.5.1, *Alternative Power Generating Technologies*.

Section 2.5.1 of this FEIS methodically analyzes potential alternative power generating technologies, both nonrenewable and renewable, and concludes that except for a pulverized coal plant in White Pine County, no other reasonable alternative sufficiently satisfied the purpose and need to justify carrying it forward for detailed review.

Alternatives not Carried Forward in Detail

IGCC Technology

With respect to an IGCC coal plant as an alternative to the proposed project, Section 2.5.1.4.3, *Integrated Gasification Combined Cycle*, of the DEIS and this FEIS describes why this alternative generation technology was not carried forward as a detailed alternative, including that it is not a commercially proven, reliable technology. In connection with preparation of this FEIS, Appendix H, *Alternative Coal Fired Generation Technologies*, has been added to this FEIS and includes a thorough discussion of IGCC, and this FEIS discussion of IGCC has been revised and supplemented accordingly. The conclusion remains that IGCC does not justify detailed consideration as an alternative to the proposed project based on commercial, technical, and cost considerations. It is neither a reasonable alternative nor capable of meeting purpose and need.

Conservation and Energy Efficiency

Conservation and energy efficiency are addressed in Section 2.5.2, *Conservation/Energy Efficiency*, of the DEIS, and that discussion has been expanded in this FEIS. Conservation and energy efficiency are also discussed in detail in response to Comments F1-1 and F1-10 by the U.S. Environmental Protection Agency (EPA). As discussed in detail in the response to EPA's comments, energy conservation and efficiency improvements are not sufficient to offset the growing demand for baseload power in the western United States; thus, energy conservation and efficiency are not a viable alternative to the purpose and need of providing baseload power. It is also noted that because WPEA is an independent power producer, and because the BLM is not an agency that regulates or is otherwise involved in energy efficiency or conservation measures by third parties, neither is the BLM in a position to impose such measures. Thus, detailed consideration of energy efficiency and conservation as an FEIS alternative is not warranted on that basis as well. See *Environmental Law and Policy Center v. U.S. Nuclear Regulatory Commission*, 470 F.3d 676 (7th Cir. 2006) (An EIS for a nuclear power plant proposed by an independent energy producer need not consider conservation and efficiency alternative because neither the applicant nor the NRC was in a position to require such measures.).

Wind Power

Wind power and the reason for not carrying it forward for detailed consideration is discussed in the DEIS and this FEIS in Section 2.5.1.1.1, *Renewable, Non-Combustible Energy Resources*, and in the response to a Comment from EPA (see the responses to Comments F1-1 and F1-10). In sum, central to the purpose and need of the proposed project and this FEIS is the ability to supply baseload energy. Baseload generation resources are intended to meet the constant demand for power that exists

24 hours per day. As discussed in detail in the responses to EPA comments, there is a demonstrated need for baseload power throughout the western United States. Wind is not always available to meet this constant demand for power and thus cannot be relied upon as a baseload resource. As a result, wind power cannot satisfy the purpose and need for the project. While wind power would not put White Pine County's water rights to beneficial use, the primary factor in the evaluation of wind power was its inability to provide baseload power. Notably, however, development of the proposed project would help enable construction of additional transmission infrastructure in eastern Nevada, which is expected to contribute to the development of wind energy projects.

Geothermal

Geothermal power and the rationale for not carrying it forward for detailed evaluation are discussed in the DEIS and this FEIS at Section 2.5.1.1.4, *Geothermal*. While geothermal energy production is a commercially proven and technically feasible technology, and can provide baseload power, there are not adequate geothermal resources in or near White Pine County to act as a reasonable alternative to the proposed project. In addition, a geothermal project would not put White Pine County's water rights to use. It is also notable that even taking into account a reasonable amount of geothermal development in Nevada and the surrounding area during the reasonably foreseeable future, there is still a need for additional baseload generation. Even with a federal production tax credit and a state renewable energy program in place for the last several years, Nevada's existing geothermal power capacity is only 276 MW from 15 power plants developed over a 20-year period. During the next decade, the total planned geothermal capacity additions will be 310 MW (Public Utilities Commission of Nevada, *Resource Planning 2007, Nevada's Electricity Future: A Portfolio-Focused Approach*). The Public Utilities Commission of Nevada (PUCN) has predicted a capacity shortfall of 4,000 MW by 2020 without the installation of new capacity (PUCN, *Resource Planning 2007, Nevada's Electricity Future: A Portfolio-Focused Approach*); thus, the predicted 310 MW of geothermal capacity additions would supply less than 10 percent of the need, with the remaining 90 percent plus being supplied by other generating resources (for example, coal-fired capacity).

Natural Gas Combined Cycle

Natural Gas Combined Cycle (NGCC) generating technology and the rationale for not carrying it forward for detailed evaluation are discussed in the DEIS and FEIS at Section 2.5.1.4.1, *Natural Gas Combined Cycle*. Based on comments on the DEIS, BLM decided to further evaluate NGCC as a potential alternative technology. A technical memorandum was prepared by the Proponent at the BLM's request and reviewed by the BLM's 3rd party EIS contractor (WPEA, 2008). The memorandum evaluates NGCC technology, based on the Proponent's experience with developing natural gas-fired projects, and includes analyses of technical issues related to plant configuration; the local natural gas supply infrastructure; the viability of a backup fuel supply; the local site conditions and their effect on combustion turbine operation; cost considerations; operating schedules of other natural gas-fired plants in Nevada; and impacts to the natural gas market.

As documented in this FEIS, NGCC technology is a proven and commercially reliable technology for power generation, is environmentally permissible, and under appropriate circumstances can be used for baseload power. However, whether it is reasonable and feasible to construct a plant utilizing NGCC technology at any given site is dictated by practical concerns and economics. This FEIS and the technical memorandum show that NGCC technology is not considered a reasonable alternative to the Proposed Action in White Pine County for the following primary reasons: (1) natural gas is not locally available; (2) one or more gas pipelines exceeding 200 miles in length would need to be constructed to provide reliable and cost-effective fuel options; (3) the NGCC technology would need to be equipped to burn fuel oil as a backup fuel to ensure reliability, and White Pine County is remotely located from large fuel oil supplies; (4) natural gas-fired combustion turbine generators, the primary components of NGCC technology, would have significantly less generating capacity at the high altitudes in White Pine County; and (5) the use of NGCC as a baseload resource (capacity factor approaching 85 percent)

would not provide low cost electricity, and expanded use of natural gas as a fuel would be expected to create other impacts within the energy market.

As discussed in the previous text, NEPA requires detailed analysis only of those alternatives that are “reasonable” and that meet the stated purpose and need. “Reasonable” alternatives are those that are “practical or feasible from the technical and economic standpoint and using common sense.” (NEPA Forty Most Asked Questions, Answer 2a.) Based on consideration of the environmental impacts and technical and cost considerations of an NGCC plant, an NGCC alternative to the WPES is not considered practical or feasible from the technical and economic standpoint and using common sense. White Pine County is simply not a favorable or practical location for a gas fired power plant, and no reasonable proponent would site one there given other, more favorable locations. Accordingly, NGCC technology is not considered a reasonable alternative for purposes of the WPES EIS.

- G1-29** As discussed in Section 1.2, *Purpose, Need and Background*, of the DEIS and this FEIS, and in the responses to comments F1-1 and F1-10 by the EPA, thousands of megawatts of new baseload generating capacity are needed in the Western United States. The proposed White Pine Energy Station will help satisfy a part of this documented need for electricity by providing 1,590 MW of new baseload generation capacity.

Baseload generation serves the constant demand for electricity that exists regardless of the time of day or season of the year. In order to provide for this demand in the most economical way, these types of generating facilities need to be large-scale units. Developing multiple smaller scale generation alternatives increases the cost of electricity to end consumers and would be contrary to the purpose of supplying reliable, low-cost baseload electricity produced. Regarding the 1,590-MW maximum nominal capacity of the proposed action, see the response to comment G1-28 for additional discussion of the deference afforded to the applicant in terms of the design of the project.

- G1-30** It is not possible to reliably quantify any long-term project costs associated with carbon dioxide emissions taxes or cap and trade programs. The possibility also exists that the White Pine Energy Station could receive allocations under a future cap and trade program that would ultimately result in a net economic benefit. However, under any foreseeable scenario, coal usage is expected to increase because coal is an abundant, low-cost energy source (Massachusetts Institute of Technology, *The Future of Coal*, 2007). Regarding other externalized costs such as air pollution or health impacts, the White Pine Energy Station would be required to comply with State and Federal air pollution regulations implemented to protect public health and the environment; thus, costs associated with air pollution and health impacts are not reasonably anticipated. Moreover, the large financial investment in the Station, the tax revenues generated, and the low-cost power produced would be expected to have positive effects on income, employment, and socioeconomic status, all of which tend to benefit public health (Brenner, *Health Benefits of Low Cost Energy, An Economic Case Study*, 2005). Therefore, the DEIS and this FEIS appropriately focus on the reasonably quantifiable costs associated with the various technologies. These costs are documented in Section 2.5, *Alternatives Considered but Eliminated from Detailed Evaluation*.

While actual project costs relative to CO₂ emissions are not possible to quantify, estimates of economic impacts associated with climate change and carbon dioxide emissions have been added to this FEIS. A section titled *Social Cost of Carbon Dioxide Emissions* was added to Section 4.19.3.6.2, *Climate Change*, of this FEIS. This section discusses a wide range of published values for the social cost of carbon (SCC), ranging from \$1 to \$77 per ton of carbon dioxide emitted. For the purposes of this FEIS, the value assumed to be a conservative representation of the peer-reviewed SCC literature was \$12 per ton of carbon dioxide (\$50 per metric ton of carbon), the expected upper bound provided by Tol (2005) based on 28 published studies. Additional details, including the total annual SCC for a 1,600-MW pulverized coal-fired plant, are provided in Section 4.19.3.6.1 (see *Social Cost of Carbon Dioxide Emissions*) in this FEIS.

Regarding the reason water held by White Pine County would need to be put to use for power production, this requirement was developed in connection with the purpose and need criterion of bringing desired economic benefits to the county. It is consistent with the purpose and need of the project (that is, to supply baseload power and bring economic benefits to the county) for these water rights to be used by the power plant, thus generating income for the county. In 1983, the State Engineer issued an order designating Industrial/Power Generation as the preferred use of ground water in Steptoe Basin. If these water rights are not used, the State Engineer could order them forfeited or assign them to another use for another entity, potentially eliminating any associated economic benefits to the county. It is additionally noted that no alternative was eliminated from further consideration based on the water use criterion.

G1-31 The criteria for evaluating alternatives all support the project purpose and need of generating baseload power and providing economic benefits to White Pine County. The alternatives carried forward for detailed evaluation in the DEIS and this FEIS included the Proposed Action, Alternative 1, and the No Action Alternative. Thus, the methodology did not preclude a reasoned comparison of project alternatives and their environmental impacts.

G1-32 As explained in detail in the responses to comments F1-1 and F1-10 from the EPA and in the response to Comment G1-28, there are current and future needs for baseload generating capacity, even when conservation and energy efficiency programs are taken into account. As documented in Section 2.5.1, *Alternative Power Generating Technologies*, of the DEIS and this FEIS, wind and solar are not capable of providing baseload power. No combination of wind, solar, and conservation/efficiency would be able to provide baseload power. Therefore, these potential alternatives were eliminated from further consideration.

G1-32
(cont.)

↑ For both wind and solar electricity generation there are multiple technologies and locations available, including outside BLM's jurisdiction, which could be considered. In fact, as shown in the DEIS itself, some such proposals would be viable alternatives even by BLM's own standards if not for the unduly narrow project objectives in the DEIS as described above (DEIS at 2-66).

As to energy conservation/efficiency, while BLM claims that it is not a viable alternative because "it is not an action the BLM or federal government can take in lieu of reaching a decision regarding implementation of the proposed project," its assertion lacks merit (DEIS at 2-84). There are plenty of ways in which the BLM or some other part or agency of the federal government can institute energy conservation and/or efficiency measures directly and indirectly, e.g. by reducing BLM's own or other agency's electricity usage, suggesting and setting higher appliance efficiency standards, or by restricting the amount of energy development on federal public lands in general, which would likely help force people to take conservation measures or improve energy efficiencies, among others. Research shows that all of the energy to be supplied by the proposed project could be obtained via more stringent energy conservation measures (SWEEP 2007). Such measures would provide the energy at less cost (indeed, most likely at a cost savings) and without the environmental costs. It is nonsensical for the government to be approving a coal-fired power plant before all available energy conservation measures have been implemented, yet an energy conservation alternative was not seriously and fully considered.

G1-33

At the very least, BLM should have considered as alternatives integrated generation facilities that produce electricity primarily through use of renewable energy technologies, but have a small, usually natural gas-fired, conventional power plant on site that operates at high production levels only when the renewable source is hindered (e.g. by cloud cover or lack of wind).

Since the DEIS fails to consider any of these conservation alternatives, apart from cursorily dismissing them, and only analyzes two action alternatives that are identical but for location, it is legally inadequate under NEPA. Not only does the DEIS violate the letter of NEPA, to consider all reasonable alternatives, it also violates its spirit and policy, which is to "protect, restore, and enhance the environment." 40 C.F.R. § 1500.1(c).

V. The DEIS Fails to Provide Adequate Mitigation Measures.

As a general matter, as recognized in ESA, it is impossible to "insure" the continued existence of a special status species by allowing harm to occur and then relying on post hoc mitigation measures to revive the species. 16 U.S.C. § 1536(a)(2). It is much more effective to prevent further harm to the species in the first place, a course of action that is also much more congruent with the goals and requirements of ESA. 16 U.S.C. §§ 1531, 1536(a)(2). Still, mitigation measures are better than no mitigation measures, which is why NEPA requires that EISs "[i]nclude appropriate mitigation measures not already included in the proposed action or alternatives." 40 C.F.R. §1502.14(f).

G1-34

↓ Here, the DEIS fails to include mitigation measures for a number of environmental impacts that the proposed project would or would likely cause. Most glaringly, the DEIS omits

G1-33 The plant equipment configuration suggested in this comment would not be practical. Because the White Pine Energy Station would be a baseload facility, it is intended to meet the constant demand for power that exists 24 hours per day. If an "integrated generation facility" were constructed, the natural gas "backup" equipment would be required to match the entire baseload generating capacity of the plant. Natural gas-fired generation is evaluated in Section 2.5.1.4.1, *Natural Gas Combined Cycle*, of the DEIS and this FEIS and was eliminated from further consideration. Natural gas-fired backup generation would be eliminated on the same basis. See the response to Comment G1-28 for additional details on why natural gas-fired generation was not carried forward for detailed evaluation.

G1-34 Potential measures for future reduction of greenhouse gas emissions (carbon dioxide) are discussed in modifications to Sections 2.5.4 and 2.2.3.1.2 of this FEIS and in Appendixes E (*Carbon Capture and Sequestration*), D (*Evaluation of Alternative Control Strategies*), and H (*Alternative Coal-Fueled Generating Technologies*) of this FEIS. WPEA has committed to reserving approximately 7 acres of land per pulverized coal-fired boiler for installing carbon capture equipment when the technology becomes commercially viable as determined through a memorandum of understanding with the Nevada Division of Environmental Protection (NDEP) (see Appendix F of this FEIS). Additionally, WPEA has committed to designing the facility such that ducting can be constructed to divert the pulverized coal-fired boiler exhaust gas to the carbon capture system and sequestration equipment. These commitments are stated in Chapter 2 of this FEIS (see Section 2.2.3.1.2, *Land Set-Aside for Future Carbon Capture Technology*) describing the Proposed Action and Alternative 1. WPEA will minimize the generation of carbon dioxide emissions by utilizing efficient supercritical pulverized coal-fired boiler technology.

Section 4.20, *Summary of Mitigation Measures*, has been added to Chapter 4 of this FEIS to summarize all of the mitigation measures that were described for project area resources discussed previously in Chapter 4 as well as those measures proposed by and agreed to by WPEA as a component of the Proposed Action.

For further discussion of previous responses that are relevant to this comment, see the response to Comment G1-6 that discusses the ground water monitoring and mitigation program that would be implemented to protect associated biological resources. See the response to Comment G1-23 that discusses this monitoring program as it relates to the potential for cumulative effects between the White Pine Energy Station and Ely Energy Center. See the response to Comment G1-24 that discusses the hydrologic separation of the Steptoe Valley basin-fill water supply for the Proposed Action or Alternative 1 from adjacent hydrographic areas, which results in no cumulative effects and no need for water-related mitigation outside Steptoe Valley.

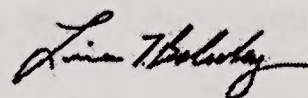
G1-34
(cont.)

any mitigation measures for the greenhouse gas emissions from the project and resultant impact on global warming. In addition, the DEIS fails to list any mitigation measures for the cumulative effects on groundwater, and hence biological resources, of the project when combined with the Ely Energy Center and other proposed ground water pumping projects in the area including but not limited to the Clark, Lincoln, and the White Pine Counties Groundwater Development Project and the Kane Springs Valley (KSV) Groundwater Development Project and Lincoln County Land Act Groundwater Development Project. Similarly, the DEIS does not propose any additional mitigation measures for the cumulative impacts on vegetation and wildlife resources likely to accrue from the Ely Energy Center project and other projects; this is unacceptable and must be remedied.

VI. Conclusion

Thank you for this opportunity to provide comments on the White Pine Energy Station DEIS. Please fully consider the points listed above, as well as the literature cited. We have enclosed copies of all the references cited in this letter on the attached compact disk for your consideration and inclusion in the administrative record for this decision. Please consider these sources closely. Please do not hesitate to contact me if you have any questions regarding the issues raised in these comments regarding the proposed project.

Sincerely,



Lisa Belenky
Staff Attorney

Encs: Compact Disk Containing Copies of All Literature Cited

Literature Cited and Attached

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LEAGUE OF WOMEN VOTERS OF UTAH
SIERRA CLUB
WASATCH CLEAN AIR COALITION
WESTERN RESOURCE ADVOCATES
GREAT BASIN MINE WATCH
PROGRESSIVE LEADERSHIP ALLIANCE OF NEVADA (PLAN)
NATIONAL PARKS CONSERVATION ASSOCIATION
DINE' CARE
BRISTLECONE ALLIANCE
GRAND CANYON TRUST
PUBLIC RESOURCE ASSOCIATES
SAVE OUR AIR AND RESOURCES (SOAR)
SEVIER CITIZENS FOR CLEAN AR AND WATER INC.
TROUT UNLIMITED, GREAT BASIN CHAPTER
UTAH MOMS FOR CLEAN AIR
UTAH PHYSICIANS FOR A HEALTHY ENVIRONMENT
NEVADA CLEAN ENERGY COALITION
POST CARBON SALT LAKE
NEVADA WILDLIFE FEDERATION
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June 19, 2007

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Re: White Pine Energy Station-Draft Environmental Impact Statement comment letter

Dear Messrs. Tribble and Weeks:

The purpose of this letter is to provide written comments on the Bureau of Land Management's ("BLM") Draft Environmental Impact Statement ("DEIS") for the proposed White Pine Energy Station ("WPES") in White Pine County, Nevada. Notice of availability of the DEIS for the WPES was published in the Federal Register on April 20, 2007 (72 Fed.Reg. 19955). The proposed WPES calls for the construction and operation of a 1,600 Megawatt (MW) coal-fired power plant and related facilities and features to be located on BLM land north of Ely, Nevada. This DEIS comment letter is being submitted on behalf of the following organizations: Bristlecone Alliance, Dine'

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

Care, League of Women Voters of Utah, Sierra Club, Grand Canyon Trust, Wasatch Clean Air Coalition, Western Resource Advocates, Great Basin Mine Watch, Progressive Leadership Alliance of Nevada (PLAN), National Parks Conservation Association, Nevada Wildlife Federation, Nevada Clean Energy Coalition, Post Carbon Salt Lake, Save Our Air and Resources (SOAR), Sevier Citizens for Clean Air and Water Inc., Great Basin Chapter of Trout Unlimited, Utah Moms for Clean Air, Public Resource Associates, Environmental Defense, and Utah Physicians for a Healthy Environment (collectively referred to as the "Organizations"). Charles Benjamin of Western Resource Advocates will serve as your point of contact on behalf of the Organizations. Mr. Benjamin's contact information is: Charles Benjamin, Western Resource Advocates, 769 Basque Way, Carson City, Nevada 89706 (775) 841-2400, cbenjamin@westernresources.org.

I. Introduction

Relevant NEPA Legal Requirements

The National Environmental Policy Act ("NEPA") is our "basic national charter for the protection of the environment." 40 C.F.R. § 1500.1. Congress enacted NEPA "[t]o declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; [and] to enrich the understanding of the ecological systems and natural resources important to the Nation." 42 U.S.C. § 4321. To accomplish these purposes, NEPA requires all agencies of the federal government to prepare a "detailed statement" that discusses the environmental impacts of, and reasonable alternatives to, all "major Federal actions significantly affecting the quality of the human environment." 42 U.S.C. § 4332(2)(C). This statement is commonly known as an environmental impact statement ("EIS"). See 40 C.F.R. Part 1502.

The EIS must "provide full and fair discussion of significant environmental impacts and shall inform decision-makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment." 40 C.F.R. § 1502.1. This discussion must include an analysis of "direct effects," which are "caused by the action and occur at the same time and place," as well as "indirect effects which . . . are later in time or farther removed in distance, but are still reasonably foreseeable." 40 C.F.R. § 1508.8. An EIS must also consider the cumulative impacts of the proposed federal agency action together with past, present and reasonably foreseeable future actions, including all federal and non-federal activities. 40 C.F.R. § 1508.7. Furthermore, an EIS must "rigorously explore and objectively evaluate all reasonable alternatives." to the proposed project. 40 C.F.R. § 1502.14(a).

In this case, NEPA requires that BLM's DEIS must assess all impacts of the WPES, including any associated energy generation and transmission facilities. 40 C.F.R. §§ 1502.14 & 1502.16. Specifically, the EIS must "present the environmental impacts of the proposal and the alternatives in a comparative form, thus sharply defining the issues

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and providing a clear basis for choice among options by the decision maker and the public." 40 C.F.R. § 1502.14. In order to adequately assess the environmental impacts of the project and of reasonable alternatives to the proposed project (including, but not limited to, the proposed project plus additional mitigation measures), BLM's DEIS must assess the direct, indirect, and cumulative impacts that the proposed project and each alternative would have.

For example, the DEIS must consider:

[E]nvironmental impacts of the alternatives including the proposed action, any adverse environmental effects which cannot be avoided should the proposal be implemented, the relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources which would be involved in the proposal should it be implemented.

* * *

Possible conflicts between the proposed action and the objectives of Federal, regional, State, and local (and in the case of a reservation, Indian tribe) land use plans, policies and controls for the area concerned.

* * *

Energy requirements and conservation potential of various alternatives and mitigation measures.

Natural or depletable resource requirements and conservation potential of various alternatives and mitigation measures.

. . . [H]istoric and cultural resources, and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures.

40 C.F.R. § 1502.16.

For the reasons stated below, the DEIS for the WPES is legally and technically flawed because the BLM failed to adequately assess all of the direct, indirect and cumulative impacts of the project. Further, the DEIS fails to consider and analyze reasonable, available, and less environmentally harmful alternatives and mitigation measures. The DEIS also improperly defines the project's purpose and need and fails to ensure the scientific integrity of its analysis. Accordingly, the Organizations request that the BLM conclude that the WPES will cause significant unpreventable environmental harm, reject the project, and choose the no action alternative. In the alternative, we request that the BLM fully and completely address the following concerns and re-issue the DEIS for further public comment.

e

Overview of proposed BLM coal plants in Nevada

The Nevada State Office of the BLM is at an important decision point. It is currently undertaking NEPA processes at three coal-fired power plant proposals in the state--the WPES proposed by White Pine Energy Associates, LLC ("WPEA"), the Toquop power plant proposed by Sithe Global Power, LLC,¹ and the Nevada Power's Ely Energy Center ("EEC").² Each of these proposed power plants is seeking to serve the same market and customers. The Ely office of BLM is being asked by both WPEA and Nevada Power to sell almost 6,000 acres of relatively pristine public land in the Steptoe Valley north of Ely for conversion to private industrial coal plant development. Surprisingly, the DEIS fails to analyze the combined impact of WPES, Toquop and EEC. Instead the DEIS largely ignores the other two NEPA processes and pretends that each is proceeding independent of the other. While ignorance may be bliss, the cumulative environmental impacts of these three coal plants will not be. The BLM's failure to speak frankly with the public in the DEIS is fatal to the entire WPES endeavor. A number of vital questions go completely unanswered in the DEIS, such as—

- are all three coal plants being proposed by BLM really needed?
- do all three proposed coal plants have existing customers thus establishing a proven need for each coal plant?
- are there other clean energy alternatives, such as solar, wind, geothermal, energy conservation and efficiency that can be used in combination to obviate the need for any new coal plants?
- why isn't the cleanest coal technology Integrated Gasification Combined Cycle ("IGCC"), which is being proposed by Nevada Power for some units at Ely, being used by all coal plants proposed by BLM?
- is there really enough water in the Steptoe Valley to serve two large coal plants?
- how will the combined water withdrawal of the Nevada Power and WPES effect natural springs, vegetation, and wildlife in the Steptoe Valley and adjacent wilderness areas?

The DEIS was the place to address these questions. Unfortunately, the DEIS failed to adequately do so. As such, the WPES DEIS is fatally flawed and should either be revised and reissued for public comment or preferably the WPES should be abandon altogether.

The remainder of this comment letter will provide comments on the DEIS on a chapter-by-chapter basis.

II. Statement of Purpose and Need- DEIS Chapter 1

¹ <http://www.toquopenenergy.com/>

² <http://www.sierrapacificresources.com/projects/ely/FAQ.cfm>

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

The Statement of Purpose in Chapter 1 of the DEIS states that “the White Pine Energy Station is to supply reliable, low cost electricity in an environmentally responsible manner to meet baseload energy needs in Nevada and the Western U. S. and to bring economic benefits to White Pine County.” The Statement of Need also states that Nevada will need approximately 5,500 MW of new electrical generating resources by 2015.

Disposal of public land for private profit is not a legally adequate “purpose”

G2-1 | The DEIS is fundamentally flawed because economic development for LS Power, White Pine County, and Nevada Northern Railroad (“NNRR”) is not a legally supportable basis for disposing of federal lands. The DEIS essentially proposes to convert public land to private profit. If adopted, the DEIS Statement of Need could justify the conversion of all public land to private enterprise. There is no discussion in the DEIS regarding whether the WPES could be built on private land instead of federal land. As such, it would be arbitrary and capricious to convert pristine public land to private industrial development without an exhaustive analysis of whether the WPES could be located on private property. Failure to analyze this obvious alternative is fatal to the DEIS.

The statement of “need” is flawed because it ignores other sources of power

G2-2 | The Statement of Need also fails to recognize that the alleged need for 5,500 MW of base-load electricity will be supplied by other sources. For example, the DEIS fails to recognize that any base-load electricity needs will be supplied by the following proposed coal plants: the proposed 2,100 MW Nevada Power Plant in Ely, Nevada; the proposed 750 MW Sithe Global Toquop power plant near Mesquite, Nevada; the proposed 1,500 Sithe Global Desert Rock power plant in northwest New Mexico; the proposed 990 MW Intermountain power plant (“IPP”) near Delta, Utah; and, the proposed 270 MW Nevco power plant near Sigurd, Utah. In summary, the Statement of Need is flawed because it fails to recognize that any electrical need will be supplied by other power plant proposals and the DEIS fails to adequately document the need for the WPES.

Failure to document “need” or alleged “customers of WPES

G2-3 | The Statement of Need also fails to identify any proposed customers of the WPES. The State of Nevada’s largest public utility, Nevada Power, has stated that it will not be purchasing power from the WPES because Nevada Power intends to serve its own power needs.³ The DEIS also fails to identify any other customer or power purchase contract for the WPES. Given that the WPES has no customers, the Statement of Need provides no basis in fact to support the “need” for the WPES. To the contrary, the complete lack of customers for the WPES proves that there is no “need” for the station.

WPES is not “environmentally responsible” and will not produce “low cost electricity”

³ See footnote 2.

G2-1 The Purpose and Need statement for the proposed White Pine Energy Station does not include the disposal of public land, and it does not specify that the project must be placed on public land. However, because of the features of the project (transmission lines, underground water pipeline, etc.), the entire project could not be completed on private or previously disturbed lands. Section 4.9, *Land Use*, of the DEIS and this FEIS assesses the effects of the Proposed Action and Alternative 1 on federal, state, and county land use plans, including BLM Resource Management Plans and Policies and land use designations. The Federal Land Policy and Management Act (FLPMA) authorized the disposal of public land to private parties (43 C.F.R. Section 2711.3-3(a)). In addition, the BLM, in compliance with the White Pine County Conservation Recreation and Development Act of 2006 (PL 109-432), has been directed to make available for disposal up to 45,000 acres in White Pine County. These disposed lands will be sold at a fair market value set by BLM. Following analysis of a number of potential project sites, including sites located on private property, White Pine Energy Associates (WPEA) has requested to locate the WPES power plant on BLM-administered lands that will be disposed. This issue is discussed in Section 2.2.1.4, *Sale of Power Plant ROW*.

Section 2.5.3, *Alternative Power Plant Site Locations*, in the DEIS and this FEIS describes the 13 alternative power plant site locations that were evaluated by WPEA during the site selection study. The full siting study report is presented in *Siting Study for the Proposed White Pine Energy Station* (WPEA, 2005). In that study, WPEA used the BLM Edition Surface Management Status Maps to identify areas of land under private control. Private lands were not excluded unilaterally from the siting analysis; however, private lands with residences were avoided. In addition, when a site that included private lands offered no benefits over a site exclusively on public lands, WPEA placed a preference on the public land site. This was done to avoid infringement on private property rights, and to help preserve for agriculture and other uses the very small percentage of private land that exists in the area, much of which was disposed of by the BLM for those purposes. Eleven of the 13 sites evaluated in the site selection study contained at least some private lands (varying from substantial to very limited amounts of private land) within the study area boundaries (WPEA, 2005). Attempting to locate project features exclusively or primarily on private lands was considered but eliminated from further analysis. Notably, in light of the limited amount of private land in the area, the proposed Ely District Resource Management Plan (RMP) identifies the need to dispose of further BLM lands including up to 4,500 acres for power plant purposes.

G2-2 As explained in detail in the responses to Comments F1-1 and F1-10 from the U.S. Environmental Protection Agency (EPA) and as discussed in Section 1.2, *Purpose, Need, and Background*, of the DEIS and this FEIS, there are current and future needs for new baseload generating capacity in the western United States (also see the response to Comments G1-28 and G1-29). While several other facilities have been proposed in the region, it is unknown which (if any) of the other facilities will actually be constructed and operated. Therefore, the statement of need is not flawed because there is a clear need for baseload generating capacity in the region.

G2-3 See the response to Comment G2-2 regarding the demonstrated need for power in the region. WPEA is an independent power producer (IPP). Power from the White Pine Energy Station would be sold on a wholesale basis to utilities, municipalities, and/or cooperatives. These potential customers of the White Pine Energy Station would in turn sell the power to the end users of the electricity. IPPs generally do not enter into power purchase agreements until the development stage of the project is complete and all major construction approvals have been obtained; thus, the customers of the Station would be expected to be identified after the environmental permitting and National Environmental Policy Act (NEPA) processes are complete.

G2-4 The Statement of Purpose and Need is flawed because it assumes that electricity generated by conventional pulverized coal plants is “low cost electricity in an environmentally responsible manner.” The DEIS fails to adequately consider the obligation of every new coal plant to meet the “best available control technology” for carbon dioxide under the Clean Air Act, consistent with Massachusetts v. EPA, 127 S.Ct. 1438 (2007)⁴ holding that global warming pollutants are subject to regulation under the Clean Air Act. We address these legal obligations below. In addition to the legal obligations that exist now under the Clean Air Act, it is inescapable that there will be additional state and federal limits on heat-trapping greenhouse gases for coal-fired power plants in the near future. Additional policies are likely to involve CO2 emission limits, caps, taxes, and/or penalties. Regulation of global warming pollutants from power plants is significantly likely to be implemented by Federal and/or State governments prior to commencement of operation of this facility. These carbon regulations will significantly increase the cost of this facility.⁵ For example, the Intergovernmental Panel on Climate Change (“IPCC” estimates that the cost of pulverized coal generation with carbon capture will be 40-85% higher than an equivalent facility with no carbon controls.⁶ The Statement of Purpose and Need completely ignores the likely future of coal power generation and is misleading by referring to the WPES as providing “low cost electricity” without support. It likewise utterly fails to account for the likelihood that rigorous global warming standards will be adopted for coal-fired power plants at any time during the long life of this facility, which would have an operational life spanning many decades, and fails to account for the associated risks and costs.

G2-5

G2-6 The proposed WPES is also not “an environmentally responsible manner to meet baseload energy needs in Nevada.” In fact, the White Pine Energy Station proposes to use the most polluting manner available to produce electricity—namely a conventional pulverized coal boiler. Coal-fired power plants are the single largest industrial source of global warming pollution. Global warming pollution threatens the global environment. The WPES will emit approximately 20 million tons of global warming pollution each year (Table 4.6-31). WPES is not proposing to utilize any technology to reduce or eliminate its emission of global warming pollution. Therefore, WPES is not an “environmentally responsible manner to meet baseload energy needs in Nevada.”

⁴ While Massachusetts v. EPA was a decision regarding the regulation of automobile emissions under Title II of the Clean Air Act, it seems inevitable that the EPA will also be forced to regulate stationary sources, such as power plants, under Title I, which contains the same definition of “pollutant.” See 42 U.S.C. § 7408.

⁵ See US EPA, Environmental Footprints and Costs of Coal-Based Integrated Gasification Combined Cycle and Pulverized Coal Technologies, EPA-430/R-06/006, July 2006, p. 5-11 (attached hereto). See also, National Park Service Comments on the White Pine Energy Associates Power Plant Prevention of Significant Deterioration Permit Application January 31, 2007, p. 2 (attached hereto).

⁶ INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE, CARBON DIOXIDE CAPTURE AND STORAGE: SUMMARY FOR POLICY MAKERS AND TECHNICAL SUMMARY 3 at 24 (2006), available at <http://www.ipcc.ch/activity/srccs/index.htm> [hereinafter IPCC, CCS].

G2-4 The commenter proposes that carbon dioxide emissions must be regulated through a Best Achievable Control Technology (BACT) determination. The commenter's position is premised on its view that carbon dioxide is an air pollutant subject to regulation under the Clean Air Act. This view is in direct opposition to the EPA's long held and recently stated position.

The EPA has consistently set forth its position that carbon dioxide is not "subject to regulation" as that phrase is used in the Clean Air Act and the regulations implementing BACT requirements. The EPA has most recently detailed its position in a brief involving the appeal of a PSD permit issued by EPA Region VIII for a proposed waste-coal-fired utility generating unit. (See EPA Region VIII's Response to Petition for Review, In re: Deseret Power Electric Cooperative, PSD Appeal No. 07-03 (November 2, 2007.)) The EPA concludes that carbon dioxide is not "subject to regulation" based on:

- Its longstanding construction of the Clean Air Act requirement that PSD permits contain technology-based emissions limitations for "each pollutant subject to regulation under the Act";
- The regulatory definition of "regulated NSR pollutant," including the attendant rulemaking history;
- Longstanding EPA policy determinations;
- EPA General Counsel opinions; and
- Decisions made by EPA's Environmental Appeals Board.

In summary, the EPA's position is that "pollutant subject to regulation under the Act" describes air pollutants subject to a provision in the Clean Air or regulations promulgated by the EPA under the Act that require actual control of emissions of that pollutant and that the requirement to merely monitor carbon dioxide emissions does not constitute such a requirement for purposes of subjecting carbon dioxide to a PSD BACT analysis. The positions set forth by the EPA are well reasoned, have been consistently held, and are in accord with past BACT determinations made by NDEP. For additional discussion of possible future regulation and the U.S. Supreme Court's decision in *Massachusetts v. EPA*, see the response to Comment G2-20.

The potential implications of the U.S. Supreme Court's decision in *Massachusetts v. EPA* are discussed in the response to Comment G2-20 below. In brief, the Court's decision does not subject carbon dioxide emissions from the White Pine Energy Station to regulation at this time. The Court in *Massachusetts v. EPA* held that "EPA has the statutory authority to regulate the emission of such gases from new motor vehicles." Slip Opinion at 30 (emphasis added). While it is possible that future regulation of carbon dioxide emissions could increase the cost of carbon emitting electric generation in the future, it is not possible to reliably predict when those regulations might become applicable or how much the cost would increase. The evaluation conducted as part of this FEIS therefore relied on the existing regulatory framework and appropriately concluded that electricity produced by pulverized coal-fired technology could be considered low-cost electricity.

G2-5 It is not possible to reliably quantify any long-term project costs associated with carbon dioxide emissions taxes or cap and trade programs. The possibility also exists that the White Pine Energy Station could receive allocations under a future cap and trade program that would ultimately result in a net economic benefit. However, under any foreseeable scenario, coal usage is expected to increase because coal is an abundant, low-cost energy source (Massachusetts Institute of Technology, *The Future of Coal*, 2007). Therefore, the DEIS and this FEIS appropriately focus on the reasonably quantifiable costs associated with the various technologies, including the coal technologies. These costs are documented in Section 2.5, *Alternatives Considered but Eliminated from Detailed Evaluation*. See also the response to Comment G1-30 regarding a range of potential societal costs of climate change and greenhouse gas emissions.

G2-6 Section 1.2.3, *Project Purpose*, of the DEIS and this FEIS states that “[t]he purpose of the White Pine Energy Station is to supply reliable, low-cost electricity in an environmentally responsible manner to meet baseload energy needs in Nevada and the western United States...” The phrase “environmentally responsible manner” is intended to mean that the White Pine Energy Station will meet or exceed all applicable environmental regulations and that environmental considerations were taken into account in the plant design and construction procedures. Examples of environmentally responsible aspects of the project include, but are not limited to:

- Demonstrated compliance with the National Ambient Air Quality Standards
- Use of newer halogenated activated carbon injection technology for minimizing mercury emissions
- Quarterly ground water monitoring conducted upgradient and downgradient of the evaporation pond and the solid waste disposal facility
- Hybrid cooling system reducing water consumption by 80 percent and reducing particulate emissions from the plant
- Plant footprint reconfigured to minimize impacts to antelope migration routes
- Siting and designing the rail spur to avoid and minimize impacts to Duck Creek and associated wetland habitat

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G2-7 The WPES also fails to utilize the Best Available Control Technology for minimizing emission of criteria pollutants (SO₂, NO_x) as required under the federal Clean Air Act. The Best Available Control Technology for minimizing emissions is IGCC whereby the coal is gasified and pollutants are removed prior to combustion. IGCC is both more efficient and less polluting. IGCC emits less global warming pollution. IGCC is technically available and reliable and is being utilized and proposed in the United States. In fact, the National Park Service has suggested that the WPES switch to IGCC technology to mitigate its emissions.⁷ Accordingly, it is arbitrary and capricious for the DEIS to state that the WPES will generate electricity in "an environmentally responsible manner."

Failure to consider adequate alternatives

G2-8 The DEIS also fails to consider other economically beneficial means of generating electricity in a less environmentally harmful manner—such as use of renewable energy like solar, geothermal, and wind. In July 2005, Western Resource Advocates conducted a study of the economic benefits of clean energy development in Nevada.⁸ The report concluded that significant economic benefits could be realized if renewable resources were more fully developed in Nevada. There are ample renewable resources in Nevada to serve the base-load electricity needs of the State.⁹ The DEIS is flawed because it fails to consider any technology for meeting the Statement of Need other than the most polluting method proposed by WPES.

G2-9 The Statement of Need in the DEIS is also flawed because it fails to consider that any future electricity demand can be significantly offset by implementation of environmentally beneficial energy efficiency and conservation measures. The Southwest Energy Efficiency Project ("SWEET") has prepared several reports proving that the State of Nevada can offset 4,600 GWh/yr by 2020 by implementing energy efficiency and conservation measures.¹⁰ The DEIS is fatally flawed because these environmentally beneficial alternatives were not considered in the DEIS and severely undercut the Statement of Need.

II. Description of Proposed Action and Alternatives- DEIS Chapter 2

G2-10 NEPA requires federal agencies to consider reasonable and feasible alternatives to the proposed action. Chapter 2 of the DEIS provides a description of the Proposed Action and Alternatives. The DEIS is flawed because it fails to consider any real and

⁷National Park Service Comments on the White Pine Energy Associates Power Plant Prevention of Significant Deterioration Permit Application January 31, 2007, p. 2 (attached hereto). See also, National Park Service Additional Comments on the White Pine Energy Associates Power Plant Prevention of Significant Deterioration Permit Application March 8, 2007 (attached hereto).

⁸"Economic Impacts of Clean Energy Development in Northern Nevada", Western Resource Advocates, July 2005 (attached hereto).

⁹"Economic Impacts of Clean Energy Development in Northern Nevada", Western Resource Advocates, July 2005 (attached hereto).

¹⁰"Nevada Energy Efficiency Strategy" Southwest Energy Efficiency Project January 2005 (attached hereto).

- G2-7** A discussion on the pollution control evaluation process (including sulfur dioxide and nitrogen oxides) was added as Section 2.5.4, *Alternative Air Pollution Control Technologies*, and Appendix D, *Evaluation of Alternative Control Strategies*, was added to this FEIS.

The BACT determination is conducted as part of the PSD air permitting process administered by the Nevada Division of Environmental Protection-Bureau of Air Pollution Control (NDEP-BAPC). In the PSD BACT analysis process, the permitting agency has the discretion to require an evaluation of alternative production processes that would effectively redefine the source (for example, evaluating integrated gasification combined cycle [IGCC] technology in the BACT analysis for a pulverized coal-fired boiler). However, historically, EPA has not considered the BACT requirement as a means to redefine the design of the source when considering available control alternatives (EPA's 1990 Draft NSR Manual at p. B.13). In the case of the proposed Station, NDEP-BAPC did not require WPEA to evaluate IGCC technology as part of the BACT analysis. Therefore, IGCC is not a potential candidate for BACT at the proposed Station. This is consistent with EPA's PSD permit decision in August 2007 for the Deseret Electric Power Cooperative Bonanza Power Plant.

Regarding IGCC as a potential alternative generating technology in the EIS, detailed evaluations of IGCC technology are included in this FEIS document (see Section 2.5.1.4.3, *Integrated Gasification Combined Cycle* and Appendix H, *Alternative Coal-Fueled Generating Technologies*). Based on the information presented in this FEIS, IGCC technology is not currently considered commercially proven or reliable and is therefore not considered a reasonable alternative for the proposed project. Also, see the response to Comment G1-28.

- G2-8** Section 2.5.1, *Alternative Power Generating Technologies*, in the DEIS and this FEIS discusses in detail the various alternative generation technologies, including renewable non-combustible energy sources (such as solar, geothermal, and wind) renewable combustible energy sources, and non-renewable combustible energy sources, that were considered but eliminated from further consideration. The DEIS considered a variety of technologies for meeting the purpose and need for the project, including technologies not proposed by WPEA.

Additionally, see the response to Comment G1-28.

- G2-9** The Public Utility Commission of Nevada (PUCN) has reported a projected capacity shortfall of 4,000 megawatts (MW) by 2020 in Nevada if new generation capacity is not added (PUCN, *Resource Planning 2007, Nevada's Electricity Future: A Portfolio-Focused Approach*). The 4,600 GWh/yr energy efficiency and conservation offset cited in this comment would be approximately equivalent to the output of a 525-MW baseload facility, which would still leave a projected shortfall of 3,475 MW. New baseload generating capacity will be needed in Nevada, regardless of any reasonably anticipated energy efficiency and conservation programs. Additionally, as discussed in detail in the response to Comment F1-10 from the EPA, there is a demonstrated need for new baseload generating capacity elsewhere in the western United States, including New Mexico, Colorado, Wyoming, Idaho, Utah, and Arizona.

- G2-10** The DEIS and this FEIS evaluate an extensive list of potential alternatives (see Section 2.5, *Alternatives Considered but Eliminated from Detailed Evaluation*). Based on the purpose and need evaluation criteria, the alternatives carried forward for detailed evaluation were the Proposed Action, Alternative 1, and the No Action Alternative. This FEIS considers all reasonable and feasible alternatives to the proposed project.

Also, see the response to Comment 1-32.

G2-10
(cont.)

↑ meaningful alternatives to the proposed action. The DEIS only considers two alternatives to the proposed action: the “no action alternative” and “Alternative 1”—which is virtually identical to the proposed action except that the location of the power plant and related facilities are in a slightly different location and configuration in White Pine County south of the proposed action. As such, other than the “no action” alternative- which is required by law- the DEIS does not present any meaningful alternative to the proposed action in terms of minimizing environmental impacts. Therefore, the DEIS is fundamentally flawed.

Failure to consider “private land” alternative

G2-11

The DEIS essentially proposes to convert public land to private profit. If adopted, the DEIS Statement of Need could justify the conversion of all public land to private enterprise. There is no discussion in the DEIS regarding whether the WPES could be built on private land instead of federal land. This alternative should have been closely considered because it eliminated environmental impacts on almost 1,300 acres of public lands. As such, it would be arbitrary and capricious to convert pristine public land to private industrial development without an exhaustive explanation of why the WPES could not be located on private property. Failure to analyze this option is fatal to the DEIS.

Failure to consider “clean energy alternatives”

G2-12

The significant flaw in the DEIS stems from the fact that the BLM wrongfully eliminated all meaningful clean energy alternatives in the NEPA scoping process. In essence, the BLM wrongly concluded that none of the renewable energy technologies alone could provide 1,590 MW of power. This conclusion is flawed for several reasons. First, the DEIS acknowledges that the entire 1,590 MW may never be constructed. (DEIS at p. 4-1). Apparently the WPES will be constructed in stages with additional coal units added as needed. *Id.* Thus, it is entirely reasonable for an alternative of staged renewable resource development as a viable alternative to the WPES. Moreover, even assuming that none of the renewable resources alone could practically meet the 1,590 MW goal, the DEIS fails to consider whether some combination of renewable resources could meet the 1,590 MW goal—for example, a 500 MW IGCC facility plus a combination of solar, wind, geothermal, etc. Contrary to the finding in the DEIS, these renewable alternatives are viable and being constructed in the state of Nevada.¹¹

G2-13

The DEIS also completely fails to consider whether some of the energy needs could be offset by clean and viable energy conservation and efficiency. The Southwest Energy Efficiency Project has published the “Nevada Energy Efficiency Strategy” which concludes that 8,730 giga watt hours of electricity per year could be saved by 2020 by implementing a high priority efficiency program.¹² Implementation of these programs by 2020 would also reduce emissions of CO2 by 3,600 tons, SO2 by 560 tons, NOx by 1,150 tons, and mercury by 20 pounds. Implementation of these efficiency measures would

¹¹ <http://www.nevadapower.com/company/renewables/>

¹² <http://www.swenergy.org/pubs/index.html>

G2-11 The Purpose and Need statement for the proposed White Pine Energy Station does not include the disposal of public land, and it does not specify that the project must be placed on public land. However, because of the features of the project (transmission lines, underground water pipeline, etc.), the entire project could not be completed on private or previously disturbed lands. FLPMA authorized the disposal of public land (43 C.F.R. Section 2711.3-3(a)). In addition, the BLM, in compliance with the White Pine County Conservation Recreation and Development Act of 2006 (PL 109-432), has been directed to make available for disposal up to 45,000 acres in White Pine County. These disposed lands will be sold at a fair market value set by BLM. Following analysis of a number of potential project sites, including sites located on private property, WPEA has requested to locate the White Pine Energy Station power plant on BLM-administered lands that will be disposed. This issue is discussed in Section 2.2.1.4, *Sale of Power Plant ROW*.

Section 2.5.3, *Alternative Power Plant Site Locations*, in the DEIS and this FEIS describes the 13 alternative power plant site locations that were evaluated by WPEA during the site selection study. The full siting study report is presented in Siting Study for the Proposed White Pine Energy Station (WPEA, 2005). In that study, WPEA used the BLM Edition Surface Management Status Maps to identify areas of land under private control. Private lands were not excluded unilaterally from the siting analysis; however, private lands with residences were avoided. In addition, when a site that included private lands offered no benefits over a site exclusively on public lands, WPEA placed a preference on the public land site. This was done to avoid infringement on private property rights, and to help preserve for agriculture and other uses the very small percentage of private land that exists in the area, much of which was disposed of by the BLM for those purposes. Eleven of the 13 sites evaluated in the site selection study contained at least some private lands (varying from substantial to very limited amounts of private land) within the study area boundaries (WPEA, 2005). Attempting to locate project features exclusively or primarily on private lands was considered but eliminated from further analysis. Notably, in light of the limited amount of private land in the area, the proposed Ely District RMP identifies the need to dispose of further BLM lands including up to 4,500 acres for power plant purposes.

G2-12 See the response to Comment G2-8.

G2-13 As discussed in the response to Comment G2-9, the PUCN has reported a projected capacity shortfall of 4,000 MW by 2020 in Nevada if new generation capacity is not added (PUCN, 2007). The 8,730 GWh/yr energy efficiency and conservation offset cited in this comment would be approximately equivalent to the output of a 997-MW baseload facility, which would still leave a projected shortfall of over 3,000 MW. New baseload generating capacity will be needed in Nevada, regardless of any reasonably anticipated energy efficiency and conservation programs. Additionally, as discussed in detail in the response to comment F1-10 by the EPA, there is a demonstrated need for new baseload generating capacity elsewhere in the western United States, including New Mexico, Colorado, Wyoming, Idaho, Utah, and Arizona.

G2-14 also reduce the overall purpose and need of the WPES. By eliminating the need for the project, the benefits of moving forward would be obviated—especially when compared to the adverse environmental impacts. Accordingly, the DEIS should analyze an energy efficiency/conservation alternative to determine whether purported purpose and need for the WPES could be met by these environmentally beneficial alternatives.

G2-15 Finally, one of BLM's considerations in eliminating certain renewable energy options, such as wind power, was that these alternatives failed to put water rights acquired by the state for the purposes of power generation to beneficial use. Such an evaluative criterion not only improperly restricts the alternatives analysis, but may also be inappropriate given some of the protected species concerns implicated by water drawdown in the area.

Failure to consider IGCC and ultra supercritical as an alternative or mitigation measure

G2-16 The DEIS also fails to fairly analyze the availability and reliability of alternatives to a supercritical boiler as a means of producing electricity by coal. Carbon dioxide emissions are directly related to the amount of coal burned. The more coal burned to produce a megawatt of electricity, the more carbon dioxide emitted. Similarly, the less coal burned the lower the emissions of regulated pollutants, including carbon monoxide.

The EPA has conducted a study revealing that boiler efficiency varies enormously.¹³ The following table from that memo, identified as Table 2, describes the range of efficiencies:

Table 2: EIA 2003 Annual Efficiency Values

Percent of Units Operating at or Above Gross Efficiency	Net Efficiency
Top 10%	35.0%
Top 20%	34.0%
Top 25%	33.6%
Top 33%	33.2%
Top 50%	32.0%

In a 2006 report, EPA combustion experts detailed the enormous difference in efficiencies (i.e., CO₂ emissions) among subcritical, supercritical, ultra-supercritical, and IGCC coal plants.¹⁴ Table ES-1 from that report (reproduced below) compares the fuel requirements and thermal efficiencies of supercritical pulverized coal, ultra-supercritical pulverized coal and integrated gasification combined cycle (IGCC) technologies.

¹³ See Memo from Christian Fellner, USEPA, to Utility, Industrial and Commercial NSPS File, *Gross Efficiency of New Units* (February 2005)(attached hereto).

¹⁴ See US EPA, *Environmental Footprints and Costs of Coal-Based Integrated Gasification Combined Cycle and Pulverized Coal Technologies*, EPA-430/R-06/006, July 2006 (attached hereto).

G2-14 The electric power forecasts by the Energy Information Agency and Western Electricity Coordinating Council assume that a reasonable amount of achievable conservation/energy efficiency programs will occur and have factored them into projected power demands. Regardless of any reasonably anticipated energy efficiency or conservation programs, there is a demonstrated need for new baseload power generation resources in Nevada and elsewhere in the Western United States.

Also, see the responses to Comments F1-1 and F1-10 by the EPA, G1-28, and G2-9.

G2-15 It should be noted that no alternative was eliminated solely on the basis of whether it satisfied the criterion of putting White Pine County water rights to beneficial use. Instead, there were other criteria, such as failure to provide baseload power, which by themselves were sufficient to eliminate these other alternatives. As discussed in the response to Comment G1-30, beneficial use of the water rights supports the purpose and need of providing economic benefits to White Pine County. Additionally, no impacts to species are expected associated with water drawdown because of the mitigation measures summarized in Section 4.4.2, *Proposed Action Mitigation*, and described further in Appendix G, *Ground Water Monitoring Program*, in this FEIS. Also, see the response to Comment G1-6 for information on the proposed ground water monitoring and mitigation program and the effects of ground water pumping on species.

G2-16 Alternative generation technologies were evaluated in Section 2.5.1, *Alternative Power Generating Technologies*, of the DEIS and this FEIS. Detailed evaluations of the various potential coal-fueled generating alternatives are provided in Appendix H (*Alternative Coal-Fueled Generating Technologies*). Additionally, IGCC technology as a potential alternative is addressed in the responses to Comments F3-1, F4-1, G1-28 and G2-7.

It should be noted that the commenter's Table ES-1 does not reflect the demonstrated performance of IGCC and ultrasupercritical technologies. Rather, the values presented in the table are based on modeling calculations and literature and can only be considered as hypothetical information.

This comment suggests the use (or further analysis of) IGCC and ultrasupercritical coal technologies. As a result of this and other comments, additional information has been provided in Appendix H, *Alternative Coal-Fired Generation Technologies*, of this FEIS and is summarized as follows:

- IGCC technology was eliminated from consideration based on several factors including, but not limited to, poor demonstrated reliability, efficiency, emissions performance, and economics compared to the PC-fired technology selected for the White Pine Energy Station. IGCC is also discussed in Section 2.5.1, *Alternative Power Generating Technologies*, of the DEIS and this FEIS and in the above-referenced other materials.
- Ultrasupercritical technology is actually a subcategory of the supercritical technology that is proposed for the White Pine Energy Station. Ultrasupercritical boilers produce steam at slightly higher pressures and temperatures than boilers designated as supercritical, resulting in marginally higher electric generating efficiency (on the order of 1 percent higher). However, operating experience with ultrasupercritical technology in the U.S. is limited to only two units, both of which encountered technical issues and had to be re-rated to less ambitious steam conditions. Because of the lack of commercial experience with ultrasupercritical technology in the U.S., EPA considers the technology to be unproven with potential technical and economic risks (EPA-430/R-06/006, p. ES-2, July 2006). Considering the technical and economic risks involved, BLM does not consider ultrasupercritical technology a reasonable alternative to be carried forward for detailed evaluation. However, because ultrasupercritical technology is a subset of supercritical PC boiler technology, the analysis conducted for supercritical technology envelopes the impacts of both technologies, i.e., the impacts disclosed in the FEIS for the proposed supercritical equipment are conservatively representative of ultrasupercritical technology. As a result, from a NEPA perspective, the proponent would have the flexibility to select ultrasupercritical technology in the final design of the proposed Station.

Exhibit ES-1, Generation Performance Comparison

Performance	Bituminous Coal				Subbituminous Coal			
	IGCC Slurry Feed Gasifier	Sub-critical PC	Super-critical PC	Ultra Super-critical PC	IGCC Slurry Feed Gasifier	Sub-critical PC	Super-critical PC	Ultra Super-critical PC
Net Thermal Efficiency, % (HHV)	41.8	38.9	39.3	42.7	40.0	34.8	37.9	41.9
Net Heat Rate, Btu/kWh (HHV)	8,167	9,500	8,900	8,000	8,520	9,800	9,000	8,145
Gross Power, MW	564	540	540	543	575	541	541	543
Internal Power, MW	64	40	40	43	75	41	41	43
Fuel Required, lb/h	349,744	407,343	381,415	342,853	484,039	556,818	517,045	460,227
Net Power, MW	500	500	500	500	500	500	500	500

The performance of these technologies burning bituminous and sub-bituminous coals are summarized in the table. For either fuel, ultra-supercritical and IGCC technologies are more thermally efficient than the supercritical boiler technology selected for the LS Power/White Pine plant. And the differences in thermal efficiency lead to significant differences in fuel use. A simple ratio of hourly fuel use shows that the IGCC technology would require only 91.7 percent of the fuel for the supercritical boiler technology proposed by WPEA – an 8.3 percent reduction in fuel use and corresponding carbon emissions from burning of this fuel. The comparison of ultra-supercritical technology to WPEA's proposed supercritical technology shows a still larger improvement requiring only 89.9 percent of the fuel and a corresponding 10.1 percent reduction in fuel use and resulting CO₂ emissions. Furthermore, the use of ultra-supercritical technology is consistent with the recommendation of a recently released interdisciplinary study from MIT.¹⁵

G2-17

The DEIS unlawfully fails to include and evaluate IGCC and ultra-supercritical technologies in its alternatives analyses on the grounds that the technology has not yet been commercially demonstrated, when this is not the case. Not only should those two technologies have been included in the alternatives analysis, but it is clear that the selected alternative, supercritical technology, will have much greater environmental impacts from higher carbon emissions. The DEIS permit fails to consider this critically important collateral impact.

G2-18

IGCC gasifies the coal and removes many of the pollutants before it is combusted. The DEIS incorrectly states that IGCC is not commercially available or technically reliable. This is simply not true. IGCC is commercially available and reliable.¹⁶ Several full-scale IGCC power plants are currently in operation in the United States, and numerous more are in operation world-wide. In fact, Nevada Power is proposing two 500

¹⁵ MASSACHUSETTS INSTITUTE OF TECHNOLOGY, THE FUTURE OF COAL 96 (2007), available at http://web.mit.edu/coal/The_Future_of_Coal.pdf [hereinafter FUTURE OF COAL].

¹⁶ National Park Service Comments on the White Pine Energy Associates Power Plant Prevention of Significant Deterioration Permit Application January 31, 2007 (attached hereto). See also, National Park Service Additional Comments on the White Pine Energy Associates Power Plant Prevention of Significant Deterioration Permit Application March 8, 2007 (attached hereto).

G2-17 Both IGCC and ultrasupercritical technology were considered as potential alternatives but were not carried forward for detailed evaluation. Regarding IGCC, see the responses to Comments F3-1, F4-1, G1-28, G2-7, and G2-16. Regarding ultrasupercritical technology, see the response to G2-16. Additionally, both IGCC and ultrasupercritical technologies are evaluated in Appendix H (*Alternative Coal-Fired Generation Technologies*) of this FEIS.

Regarding collateral impacts of carbon dioxide, while no procedures have been developed to quantify collateral environmental impacts of carbon dioxide from various equipment alternatives at a single source, it is noted that carbon dioxide is directly related to fuel efficiency, and fuel efficiency was considered in the alternatives analysis in Section 2.5.1 of the DEIS and this FEIS (see the discussion in Section 2.5.1.4.3, *Integrated Gasification Combined Cycle*, see also the ultrasupercritical efficiency discussion in Appendix H).

G2-18 IGCC technology is addressed in detail in FEIS Section 2.5.1.4.3, Appendix H (*Alternative Coal-Fired Generation Technologies*), and the responses to Comments F3-1, F4-1, G1-28, G2-7, and G2-16.

In brief, the demonstrated performance of IGCC technology shows poor reliability compared to pulverized coal-fired technology and does not offer any clear emissions advantage relative to pulverized coal-fired technology. While the "next generation" of IGCC technology may someday be proven reliable, any present-day claims of coal-fueled IGCC reliability comparable to pulverized coal-fired technology are speculative and not supported by the best available (demonstrated performance) information.

Regarding commercial availability, the DEIS states that "IGCC has been demonstrated in a few commercial-scale facilities. The current IGCC plants are providing good information about the technology. However, they are not demonstrating the necessary performance to expect the technology to be commercially proven, reliable, and available in a time frame to support the proposed project." In this context, "available" refers to the availability of coal-fueled IGCC technology that has been commercially demonstrated to achieve reliable performance. Currently, no such technology is available, as shown by the demonstrated IGCC performance data in FEIS Appendix H (*Alternative Coal-Fired Generation Technologies*).

The commenter references National Park Service comments on the draft PSD air permit for the proposed Station in support of the commenter's claim that IGCC is commercially available and reliable. National Park service submitted substantively equivalent comments on the DEIS regarding IGCC. As shown in the responses to Park Service comments on the DEIS (comment letters F3 and F4) and in FEIS Appendix H (*Alternative Coal-Fired Generation Technologies*), IGCC technology is neither commercially available (that is, readily available from equipment vendors with performance guarantees and price certainty) nor reliable (capable of achieving operating availability comparable to pulverized coal-fired units).

Regarding IGCC units possibly planned for the second phase of development at the proposed Ely Energy Center, although the developers of this facility have publicly stated that IGCC will be considered for future projects as the technology matures and the level of risk diminishes, neither the air permitting process nor the EIS process associated with the Ely Energy Center evaluates that second phase. Thus, the Ely Energy Center does not demonstrate the availability or reliability of IGCC technology.

MW IGCC units for its Ely Energy Center currently being advanced by BLM.¹⁷ Thus, BLM should be well aware of the availability and reliability of this technology. The NPS has likewise recommended that WPEA utilize this coal combustion technology.¹⁸

G2-19

Three 500 MW IGCC units could supply nearly all of the 1,590 MW proposed WPES. The remaining 90 MW could be supplied by a combination of renewable resources, resulting in significantly less criteria pollutant emissions and the ability to capture and manage CO₂ thus greatly reducing the global warming impacts of the WPES as proposed. Thus, IGCC either alone, or in combination with efficiency and/or renewable energy can readily supply any "need" for power in the area. The BLM's failure to consider these less environmentally harmful alternatives is a fatal flaw of the DEIS. These alternatives should be fully analyzed and included in a re-issued DEIS.

Failure to consider the use of carbon capture and storage (CCS) for the mitigation of CO₂ emissions

G2-20

As stated above, we believe that Massachusetts v. EPA requires the regulation of CO₂ emissions. Given that CO₂ emissions limitations for stationary sources are foreseeable in the near future, the DEIS is inadequate because of its failure to consider CO₂ emissions mitigation techniques, including carbon capture and storage.

CCS is the separation of CO₂ from fossil fuels, capture of the CO₂, and subsequent transportation to a storage location that allows for long-term isolation from the atmosphere.¹⁹ CCS may be part of future climate policies because it allows for the continued use of fossil fuels while eliminating contributions to global atmospheric carbon concentrations and subsequent impacts on the climate. In fact, CCS can reduce CO₂ emissions at a coal-fired power plant by as much as 90%.²⁰ The scale of CCS that will be required as part of a policy to control CO₂ emissions is significant: For climate stabilization, annual CCS requirements are projected to peak around 10 billion tons per year within the next century.²¹

The actual process of CCS involves four steps: capture of a pure stream of CO₂, compression of the CO₂, transport to the injection site, and injection into a formation where the CO₂ can be stored for 1000 years or longer.²² There are three techniques available to obtain a pure stream of CO₂ from coal combustion: post-combustion separation, pre-combustion separation, and oxyfuel combustion. According to the IPCC, both pre- and post-combustion capture of CO₂ are already economically viable under

¹⁷ <http://www.sierrapacificresources.com/projects/ely/>

¹⁸ National Park Service Comments on the White Pine Energy Associates Power Plant Prevention of Significant Deterioration Permit Application January 31, 2007 (attached hereto).

¹⁹ IPCC, CCS at 2.

²⁰ *Id.* at 3.

²¹ Sally M. Benson, *Carbon Dioxide Capture and Storage in Underground Geologic Formations*, 2005 PEW CENTER ON GLOBAL CLIMATE CHANGE & NATIONAL COMMISSION ON ENERGY POLICY 1, 6.

²² Benson, *supra* note 23, at 4.

- G2-19** See the responses to Comments F3-1, F4-1, G1-28, G2-7, and G2-16. In brief, the demonstrated performance of coal-fueled IGCC technology precludes it, whether alone or in combination with other technologies, from meeting the purpose and need for the project.
- G2-20** The Court's decision on *Massachusetts v. EPA* does not subject carbon dioxide emissions from the White Pine Energy Station to regulation at this time. The Court in *Massachusetts v. EPA* held that "EPA has the statutory authority to regulate the emission of such gases from new motor vehicles." Slip Opinion at 30 (emphasis added). The Court did not hold that EPA must regulate but that it must, on remand, make a determination as to whether greenhouse gas emissions "cause, or contribute to, air pollution which may reasonably be anticipated to endanger public health or welfare..." See Slip Opinion at 30-32; CAA § 202(a)(1). It is only when – and if – EPA makes "a finding of endangerment [that] the Clean Air Act requires the agency to regulate emissions of the deleterious pollutant from new motor vehicles." See Slip Opinion at 30. The Court makes clear that the question of "if" is left to EPA. Majority Slip Opinion at 32-34. The Court also notes that one possible outcome is no regulation of greenhouse gas emissions "if [EPA] determines that greenhouse gases do not contribute to climate change or if it provides some reasonable explanation as to why it cannot or will not exercise its discretion to determine whether they do." Majority Slip Opinion at 30.

Even assuming that EPA makes an endangerment finding, regulation is by no means imminent: "EPA no doubt has significant latitude as to the manner, timing, content, and coordination of its regulations with those of other agencies." Slip Opinion at 30. The process of notice and comment rulemaking would take many months to several years when and if it is initiated. Finally, it should be noted that the petition for rulemaking that is at the root of the Court's decision in *Massachusetts v. EPA* addressed mobile source emissions and regulation pursuant to Title II of the Clean Air Act. Any regulation pursuant to Title II will have no applicability to the White Pine Energy Station. Hence, the fact that the Supreme Court has found carbon dioxide and other greenhouse gases to constitute air pollutants does not subject them to regulation at this point in time.

A recent EPA permitting action occurring after *Massachusetts v. EPA* confirms the assessment in the previous text. In its response to comments on the draft PSD air permit for Deseret Electric Power Cooperative's Bonanza Power Plant, EPA Region 8 stated the following:

"EPA recognizes the importance of addressing the global challenge of climate change, and in light of the Supreme Court's decision in *Massachusetts v. EPA*, 127 S. Ct. 1438 (2007), the Agency is working diligently to develop an overall strategy for addressing the emissions of carbon dioxide and other greenhouse gasses under the Clean Air Act. However, EPA does not currently have the authority to address the challenge of global climate change by imposing limitations on emissions of carbon dioxide and other greenhouse gases in PSD permits." See the Deseret response to comments at p. 5.

While carbon dioxide emissions regulations for stationary sources could potentially be promulgated in the future, it is not possible to predict how these rules would be structured or how carbon dioxide emissions reductions would be achieved under these rules. Possible regulatory strategies include, but are not limited to, carbon dioxide performance standards, carbon dioxide cap-and-trade, a so-called "carbon tax," or some combination of these provisions. Until such time as the regulatory framework is finalized, it is not possible to determine whether any carbon dioxide mitigation techniques, including carbon capture and storage, would be necessary for compliance. (It is possible that compliance could be achieved by purchasing allowances, completing offset projects, or by other means.)

Regarding measures to reduce carbon dioxide emissions, see the response to Comment G1-34.

certain conditions.²³ Therefore, the DEIS is inadequate due to its failure to consider the use of CCS technologies.

Failure to consider clean fuels alternative

G2-21

The DEIS also fails to consider clean fuels in its alternatives analysis. Available clean fuels include biomass and natural gas. Both biomass and natural gas can be co-fired with coal to substantially reduce the emissions of regulated pollutants, including carbon monoxide, as well as to reduce carbon dioxide emissions. There are numerous examples of coal plants co-firing biomass or natural gas that provide a roadmap for such consideration in the DEIS alternatives analysis. For example, the St. Paul heating plant burns approximately sixty percent biomass and forty percent coal. The biomass is primarily waste wood from tree trimmings and other industrial activities. The Xcel Bay Point power plant in Ashland, Wisconsin, also burns large amounts of wood waste, consisting primarily of saw dust

The U.S. Department of Energy has urged federal facility managers to consider co-firing up to 20 percent biomass in existing coal-fired boilers. In the Netherlands, all four electricity-generation companies (EPON, EPZ, EZH and UNA) have developed plans to modify their conventional coal-burning plants to accommodate woody biomass as a co-fuel.

Similarly, by burning a mix of natural gas with coal, the WPES could lower both its pound-per-MMBtu emission rate and its hourly emission rate. The DEIS alternatives analysis must, at least, consider mixing natural gas with coal in the White Pine boiler. If the cost effectiveness of combusting gas, or a combination of gas and coal, is within the range generally accepted as cost-effective for similar sources (i.e., under \$10,000 per ton of pollutant removed), the BLM must consider this alternative/mitigation measure.

G2-22

In short, the BLM should require WPEA to consider as part of its DEIS alternatives analysis the co-firing of biomass or natural gas as a means to mitigate CO and CO₂ emissions. The possible types of biomass include wood wastes, agricultural waste, switchgrass and prairie grasses.

Improper rejection of "no action" alternative

G2-23

In a brief two paragraphs, the BLM rejects the no "action alternative" because the "project purposes and needs...would not be met." This conclusion is both unsupported in the DEIS and unsupportable as a matter of fact. The power needs of Nevada and the west can, and will, be met by existing power plant proposals. For example, the DEIS fails to recognize that Nevada Power is proposing a 2,500 MW power plant at nearly the same location as the WPES.²⁴ The Nevada Power facility can meet all of the purposes and needs of the WPES. Nevada Power can supply the allegedly needed power, can purchase water rights from White Pine County, and can increase railroad traffic for the

²³ IPCC, CCS at 24.

²⁴ <http://www.sierrapacificresources.com/projects/ely/>

- G2-21** The DEIS considered clean fuels in its alternatives analysis. Power generation with biomass and natural gas are addressed in Section 2.5.1, *Alternative Power Generating Technologies*, of the DEIS and this FEIS. In brief, biomass and natural gas-fueled generation do not satisfy the purpose and need for the project. Biomass power cannot meet purpose and need because of its higher cost and limitations on fuel availability at a large enough scale for baseload operation. Natural gas is not locally available for the proposed project, has a higher cost than pulverized coal and a highly variable cost, and would require the construction of 200 miles of new pipeline for gas delivery to the proposed plant. Also, see the response to Comment G1-28.
- G2-22** Regarding the co-firing of biomass and natural gas, see the response to Comment G2-21. Regarding minimization of carbon dioxide emissions, see the response to Comment G1-34.
- G2-23** The BLM did not reject the No Action Alternative in the DEIS. Section 2.4, *No Action Alternative*, of the DEIS and this FEIS describes the No Action Alternative and the expected result if this alternative were to be chosen by the BLM.

Implementing the No Action Alternative would neither provide baseload electric generating capacity to the western United States nor bring economic benefits to White Pine County; thus, the No Action Alternative would not meet the purpose and need of the project.

It is not certain which, if any, of the other proposed power plants in the western United States will actually be constructed and operated. In fact, this outcome will not be certain until the plants are constructed and operated because of extensive permitting, regulatory, market, financial, and litigation risks associated with each proposed power plant. Intermountain Power Partners Unit 3 (IPP3) in Utah serves as an example. According to various press accounts, development of IPP3 is currently suspended because of pending legal proceedings and withdrawal of certain owners from the project; thus, it is not clear whether the 900-MW IPP Unit 3 will ever be constructed. Further, the commenter presumes that Nevada Power's proposed 2,500 MW Ely Energy Center can fulfill the purpose and need for the White Pine Energy Station. Similar to that stated in the previous text, it is not certain at this time what size the Ely Energy Center will be or if it will be completed at all, nor will the Ely Energy Center single-handedly fulfill the baseload generation needs in the western United States. Specifically, Nevada Power has to complete similar permitting processes to obtain real estate, water rights, and environmental permits, and none of these processes has been completed. In addition, in November 2007, Nevada Power Company announced that development of its Ely Energy Center in White Pine County has encountered permitting delays and that the company will speed plans to develop a new 500-MW facility at its Harry Allen Generating station in Clark County, Nevada (Las Vegas Review-Journal, November 29, 2007). Additionally, Nevada Power is currently only permitting a 1,500 MW facility according to its air permit application filed with the NDEP (not a 2,500-MW facility).

G2-24 NNRR. Further, Nevada Power even has customers to sell its power to—something completely lacking with the WPES. The DEIS completely fails to consider or explain why the Nevada Power proposal does not completely satisfy purpose and need described in the DEIS. Since the purpose and need is completely satisfied by the Nevada Power proposal, the WPES is completely superfluous—leaving no benefit and only devastating environmental impacts if constructed. The BLM's failure to consider renewable alternatives in the DEIS show an arbitrary and capricious bias toward the most polluting means of generating electricity—coal combustion.

G2-25 The DEIS also fails to consider whether the allegedly needed power could, or will be, provided by other proposed power plants, such as the Toquop power plant, the IPP power plant, the Desert Rock power plant, the Nevco power plant, or the Bonanza power plant. Failure to consider whether these other alternative power plants can meet the purpose and need of the WPES is a fatal flaw of the DEIS.

III. Affected Environment- DEIS Chapter 3

Failure to consider impact to "global" environment

Director's Order No. 3226 (U.S Dep't of Interior, Jan. 19, 2001) acknowledges that "[t]here is a consensus in the international community that global climate change is occurring and that it should be addressed in government decisionmaking." That Order further instructs "[e]ach bureau and office of the Department [of Interior] [to] consider and analyze potential climate change impacts . . . when making major decisions regarding the potential utilization of resources under the Department's purview."²⁵

G2-26 As noted elsewhere herein, Chapter 3 of the DEIS fails to adequately analyze the affect the WPES will have on the broader global environment. For example, the DEIS fails to adequately analyze the broader environmental affects the emission of 20 million tons of global warming pollution each year from the WPES (Table 4.6-31). The DEIS only contains a single paragraph mentioning that greenhouse gases as an affected environment. (Section 3.6.1.1.10 "Greenhouse gases"). This section of the DEIS fails to consider the following types of environments affected by the WPES release of 20 million annual tons of global warming pollution: global climate change, global temperature change, rising sea levels, effect on wildlife (corals, polar bears), glacier reduction, less snow, more rain and earlier snowmelt runoff. The DEIS is flawed for failing to identify and analyze these environments and the associated impacts.

Failure to consider surface water runoff

G2-27 The DEIS must more precisely address the impact on surface water due to runoff from impenetrable surfaces at the proposed development sites. The DEIS states that all surface water from both proposed sites for the WPES runs to Duck Creek, but unless the amount is "considerable" it will penetrate the ground before reaching the creek. Section 3.3.3.1. However, given that the DEIS notes the propensity for locally high intensity

²⁵ http://elips.doi.gov/app_so/act_getfiles.cfm?order_number=3226

G2-24 See the response to Comment G2-23.

G2-25 See the response to Comment G2-23.

G2-26 Additional information regarding climate change has been added to this FEIS. Section 3.6.1.1.12, *Climate Change*, has been revised and moved to a new Section 3.6.2 to include a broad discussion of the currently observed impacts to resources associated with climate change. Section 4.6.2, *Climate Change*, has been added to this FEIS to describe projected future changes in climate, along with discussions of the various factors thought to influence climate. Section 4.19.3.6.1, *Air Quality*, has been revised to discuss the potential incremental cumulative impacts of emission sources on climate change. Finally, Appendix M, *Understanding and Evaluating Climate Change*, has been added to this FEIS.

Although it is possible to generally estimate a project's incremental contribution of carbon dioxide into the atmosphere, it is typically not possible to determine whether or how an individual project's relatively small incremental contribution might translate into physical effects on the environment.

Also, see the response to Comment G1-8.

G2-27 Section 3.3.3.1, *Streams*, of the DEIS refers to the existing environment (that is, prior to construction of the White Pine Energy Station). Currently, storm water from the undeveloped project site may run off to Duck Creek during heavy precipitation events. Goshute Lake is described as part of the affected environment in Section 3.3.3.2, *Lakes*, of the DEIS.

After construction of the White Pine Energy Station, water on the power plant site would be managed under two separate NDEP permits to comply with all regulations and requirements promulgated under the Clean Water Act. Surface water, stormwater runoff, and wastewater from the power plant site that has been collected after coming in contact with potential pollution sources (for example, coal piles and active solid waste disposal facility cells) would be routed and stored in the plant's onsite zero-discharge evaporation pond in accordance with applicable federal and state regulations (see Section 2.2.3.1.4, *Solid Waste Disposal*, of the DEIS and this FEIS). The evaporation pond would include environmental protection measures required by the NDEP (see Sections 2.2.3.1.4 and 2.3.3.1 in the DEIS and this FEIS). These measures include a pond liner, leak detection system, and specially engineered berms to ensure stability during operation for the protection of ground water resources and offsite surface water resources, including Duck Creek. In addition, the onsite solid waste disposal facility would contain a bottom liner, leachate collection and control system, and a surface water runoff management system with a sediment retention basin to prevent the release of contaminants to the environment, including ground water and offsite surface waters such as Duck Creek. Water stored in the evaporation pond would not be discharged from the power plant site.

Storm water runoff from other impervious areas of the plant that does not come in contact with potential pollution sources would be regulated under a general NDEP permit for storm water discharges associated with industrial activity. This industrial storm water permit is based on Best Management Practices (BMPs) such as storm water diversion and detention, covered storage, spill response, and good housekeeping. Storm water runoff from these regulated facilities would be discharged to Duck Creek. However, discharges would be regulated by the NDEP permit applicable to industrial storm water. Therefore, no adverse effects to Duck Creek or Goshute Lake are expected, and no additional mitigation measures have been developed for surface waters.

G2-27
(cont.)

rainfall and potential for flooding (Section 3.3.2), it needs to define more precisely what constitutes a "considerable" amount of runoff.

As Goshute Lake is fed during high runoff periods by Duck Creek, it is likely that any surface water runoff from the proposed sites that drains into Duck Creek will also run into Goshute Lake. Goshute Lake, therefore, must be described as part of the affected environment. The likely quantity of runoff from the coal pile and solid waste disposal area, as well as the other impenetrable surfaces, needs to be more precisely defined in order to ascertain how both Duck Creek and Goshute Lake will be affected during high intensity rainfall and flooding. The chemical composition of the run-off also needs to be measured in order to ascertain threats to downstream species and habitat.

Failure to consider groundwater

BLM needs to consider the recently released USGS BARCAS report. This study finds the aquifer system in the Great Basin is more inter-related than previously believed. Actions impacting aquifers in the Steptoe Valley have the probability of impacting the entire Great Basin aquifer system including Great Basin National Park. It will be important to use the results of this study to consider the impacts not only Steptoe and Butte Valleys but also on the adjacent areas in Nevada and Utah.

To better understand the potential impacts of the additional water pumping for the proposed power plant there needs to be improved understanding of geologic features and hydrologic processes that control the rate and direction of ground-water flow in eastern and central Nevada.²⁶

G2-28

Goshute Valley groundwater and springs must be included as part of the affected environment because of the proposed drawdown in groundwater in the Steptoe Valley. The DEIS states that an estimated 4,000 acre feet of groundwater flows from the Steptoe Valley to the Goshute Valley annually. Section 3.4.2.5.4. The DEIS needs to include springs in the Goshute Valley as part of the affected environment due to the possible reduction in groundwater flow from the Steptoe Valley resulting from WPES's well-pumping.

Snake Valley groundwater and springs need to be included as part of the affected environment because of the impact on groundwater levels from the drawdown in Steptoe Valley. A study was recently performed with regard to groundwater flow in the Snake Valley.²⁷ The Nevada Nature Conservancy examined the potential effects of proposed large-scale groundwater withdrawals within neighboring Snake Valley by the Southern Nevada Water Authority, and confirmed that that proposed groundwater withdrawal would cause significant declines in groundwater levels not only within Snake Valley but

²⁶ Alan H. Welch and Daniel J. Bright, Editors, "Water Resources of the Basin and Range Carbonate-Rock Aquifer System, White Pine County, Nevada, and Adjacent Areas in Nevada and Utah—Draft Report" A Report to Congress, Prepared in cooperation with the Bureau of Land Management, Published online (<http://pubs.usgs.gov/of/2007/1156/>) June, 2007. See also, <http://nevada.usgs.gov/barcass/index.htm>.

²⁷ <http://pubs.usgs.gov/sir/2007/5099>

G2-28 The anticipated ground water level declines in Steptoe Valley as a result of either the Proposed Action or Alternative 1 would not affect the amount or rate of ground water flow from Steptoe Valley to Goshute Valley, and therefore would not affect springs or surface water features in Goshute Valley. The cumulative impacts analysis area for ground water resources is restricted to basin-fill deposits in the Steptoe Valley Hydrographic Basin and includes the potential effects of the proposed Ely Energy Center. The U.S. Geological Survey's recent determination that the ground water between valleys in Nevada is connected is from the Draft BARCAS Report. However, this conclusion of interconnectivity of ground water across hydrographic areas in White Pine County pertains to ground water in deep fractured-rock. These BARCAS Report findings are discussed in Section 3.4.2, *Local Conditions*, of this FEIS. The water supply for either the Proposed Action or Alternative 1 would be ground water from the basin-fill deposits of Steptoe Valley that are not directly connected hydrologically to adjacent hydrographic areas. For this reason, projects affecting ground water outside the Steptoe Valley Hydrographic Basin were not included in the cumulative impacts analysis. As examples, the anticipated ground water level declines in Steptoe Valley as a result of either the Proposed Action or Alternative 1 would not affect the amount or rate of ground water flow from Steptoe Valley to adjacent valleys because they are not hydrologically connected and, therefore, would not affect springs or surface water features in Snake Valley, Goshute Valley, or Spring Valley. The recent decision by the State Engineer to award Southern Nevada Water Authority rights to ground water in Spring Valley would not result in a cumulative impact when combined with the effects of the proposed White Pine Energy Station. Also see the response to Comment G1-24.

G2-28 (cont.) ↑ also Steptoe Valley.²⁸ In light of the this finding, the DEIS needs to consider how the large-scale drawdown of groundwater proposed by WPES will impact springs throughout all of Steptoe Valley as well as Snake Valley, and the species that depend on the springs.

Failure to consider cumulative impacts of Department of Interior decisions

G2-29 | Moreover, the DEIS fails to analyze that these same environments will be affected by the cumulative impacts of the Department of Interior's (BLM, BIA) decisions regarding numerous pending coal-fired power plant proposals currently undergoing NEPA review, including the Desert Rock plant, the Toquop plant, the Ely Energy Center, the Bonanza plant and others in the United States. The cumulative impacts must be analyzed.

Failure to consider impacts to visibility from emissions

G2-30 | Section 3.7 of Chapter 3 (Visual Resources) fails to recognize that emission of pollutants from the WPES will affect visibility at Key Observation Points ("KOP"). These visibility impacts caused by pollutants must be analyzed.

IV. Environmental Consequences- DEIS Chapter 4

Failure to Adequately Examine Global Warming Impacts

NEPA requires governmental agencies to consider impacts on the global environment, as well as local and regional impacts. For example, NEPA Section 102(F) requires that the federal government "recognize the world-wide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment." This includes global climate change.

In February 2007, the Intergovernmental Panel on Climate Change ("IPCC") released a summary of the contribution of Working Group I to its Fourth Assessment Report. The Summary concludes, among other things:

- The global atmospheric concentration of carbon dioxide has increased from a pre-industrial value of about 280 ppm to 379 ppm in 2005;
- The atmospheric concentration of carbon dioxide in 2005 exceeds by far the natural range over the last 650,000 years;
- The primary source of the increased atmospheric concentration of carbon dioxide since the pre-industrial period results from fossil fuel use;

²⁸ See, Nature Conservancy scoping comment letter, attached hereto.

G2-29 The size of the cumulative impact analysis area for each resource area varies according to the nature of the resource, the geographic area in which impacts from the proposed White Pine Energy Station would occur, and the potential for overlapping cumulative effects of the White Pine Energy Station with other projects located in the analysis area. The cumulative impact analysis area for each resource was specifically defined for the proposed White Pine Energy Station. Projects located outside the analysis area for a given resource would not contribute to cumulative impacts when combined with the effects of the proposed White Pine Energy Station and, therefore, were not included in the cumulative impact analysis.

As discussed for ground water resources in the response to Comment G2-28, the anticipated ground water level declines in Steptoe Valley as a result of either the Proposed Action or Alternative 1 would not affect the amount or rate of ground water flow from Steptoe Valley to adjacent valleys because they are not hydrologically connected and, therefore, would not affect springs or surface water features in Snake Valley, Goshute Valley, or Spring Valley (see the response to comment G2-28). For this reason, the Kane Springs Valley Groundwater Development Project and the Lincoln County Land Act Groundwater Development Project were not included in the cumulative impacts analysis for ground water resources. The Clark, Lincoln, and White Pine Counties Groundwater Development Project was analyzed for potential cumulative impacts, although analysis showed there would be no cumulative effects based on results of the Draft BARCAS Report regarding lack of hydrological connectivity with ground water that would be used for the White Pine Energy Station. For air quality, the cumulative effects analysis area was defined to be much larger than that for ground water resources and included analysis of other coal-fired projects, such as the Ely Energy Center, Toquop Energy Coal-fired Power Plant, Newmont Gold Coal-fired Power Plant, and Intermountain Power Project Phase III Coal-fired Plant. Section 4.19, *Cumulative Impacts*, of this FEIS considers the effects of all past, present, and reasonably foreseeable actions with the potential to result in cumulative impacts when combined with the potential effects of the proposed White Pine Energy Station.

G2-30 Additional text was added to Section 3.7, *Visual Resources*, of this FEIS to clarify the differences between the two analyses. The commenter may be confusing two separate analyses (that is, Section 4.7, *Visual Resources*, vs. Section 4.6.1.3.8, *Class I Area Dispersion Modeling/Visibility Impacts*). The Visual Resources evaluation in Section 4.7 focuses on the visual effects of placing new structures on the landscape and discusses the impacts from physical changes associated with the project (for example, buildings, stacks, towers, bridges, etc.) that may affect the visual or scenic characteristics of the landscape from key observation points (KOPs). The Air Quality/Visibility evaluation in Section 4.6 addresses the predicted changes in visibility (light absorption or scattering because of air emissions) associated with the proposed project and discusses the potential visibility impacts at Class I areas from the emissions of air pollutants (for example, nitrogen oxides, sulfur dioxide, and particulate matter) from the proposed project. The Visual Resources evaluation is based on terrain information and lines of sight, and therefore is not affected by changes in light absorption or scattering. Thus, the visibility analysis documented in the Air Quality evaluation is separate from and not relevant to the Visual Resources evaluation.

- There is at least a 9 out of 10 chance that the global average net effect of human activities since 1750 has been one of warming;
- Warming of the climate system is unequivocal, as is now evident from observations of increases in global average air and ocean temperatures, widespread melting of snow and ice, and rising global average sea level;
- At continental, regional and ocean basin scales, numerous long term changes have been observed. These include changes in arctic temperatures and ice, widespread changes in precipitation amounts, ocean salinity, wind patterns and aspects of extreme weather including droughts, heavy precipitation, heat waves and the intensity of tropical cyclones;
- There is greater than a 90% likelihood that most of the observed increases in global average temperatures since the mid-20th century are due to the observed increases in anthropogenic greenhouse gas emissions;
- For the next two decades, warming of about 0.2 Degrees Celsius per decade is projected for a range of emission scenarios;
- There is greater than a 90% likelihood that hot extremes, heat waves and heavy precipitation events will continue to become more frequent; and
- Anthropogenic warming and sea level rise would continue for centuries due to the time scales associated with climate processes and feedbacks, even if greenhouse gas concentrations were to be stabilized.

In April 2007, the IPCC released a Summary of the Contribution of Working Group II to its Fourth Assessment Report. The Summary concludes, among other things:

- Temperature increases have had effects on agriculture and forestry management at Northern Hemisphere higher latitudes;
- Drought-affected areas will likely increase in extent. Heavy precipitation events which are very likely to increase in frequency, will augment flood risk; and
- In North America, major challenges are projected for crops that are near the warm end of their suitable range or depend on highly utilized water resources.

On or about May 4, 2007, the IPCC released a Summary of the contribution of Working Group III to its Fourth Assessment Report. The summary concludes, among other things:

- Global greenhouse gas (GHG) emissions have grown since preindustrial times, with an increase of 70% between 1970 and 2004;

- The largest growth in global GHG emissions between 1970 and 2004 has come from the energy supply sector (an increase of 145%);
- With current global climate change mitigation policies and related sustainable development practices, global GHG emissions will continue to grow over the next few decades;
- There is substantial economic potential for the mitigation of global GHG emissions over the coming decades, that could offset the projected growth of global emissions or reduce emissions below current levels;
- There are mitigation opportunities with net negative costs, in other words, for which the benefits such as reduced energy costs and reduced emissions of pollutants equal or exceed their costs to society, excluding the benefits of avoided climate change;
- Fuel switching from coal to gas, renewable heat and power (hydropower, solar, wind, geothermal and bioenergy), and early applications of carbon capture and storage (eg. storage of removed carbon dioxide from natural gas) are key mitigation technologies and practices currently commercially available;
- Near-term health co-benefits from reduced air pollution as a result of actions to reduce GHG emissions can be substantial and may offset a substantial fraction of mitigation costs;
- It is often more cost-effective to invest in end-use energy efficiency improvement than in increasing energy supply to satisfy demand for energy services. Efficiency improvement has a positive effect on energy security, local and regional air pollution abatement and employment;
- Renewable energy generally has a positive effect on energy security, employment and on air quality; and
- In order to stabilize the concentrations of GHGs in the atmosphere, emissions would need to peak and decline thereafter.

Hansen and others have stated that global emissions of CO₂ and other global warming pollutants must be immediately reduced to avoid exceeding the 475ppm ceiling for significant irreversible impacts.²⁹ The World Health Organization has estimated that approximately 154,000 human lives are lost each year as a result of global warming.³⁰

²⁹ Hansen, et al. *Global Temperature Change*, PNAS published online September 25, 2006; doi:10.1073/pnas.0606291103. See also, Hansen, et al. 2006, *Dangerous Human-made Interference with Climate: A GISS modelE study*; available at <http://arxiv.org/abs/physics/0610115>.

³⁰ World Health Organization (WHO) 2002, *The World Health Report*, available at <http://www.who.int/whr/2002/en/index.html>.

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

The DEIS admits that the WPES will emit approximately 20 million tons of global warming pollution annually (Table 4.6-31). The DEIS admits that the WPES will operate for at least 40 years. Thus, the total emission of CO₂ over the life of the plant is expected to be 800 million tons of CO₂.

G2-31

BLM should consider the entirety of the Fourth Assessment Report and make it part of the administrative record for the DEIS. Due to the severe impacts of the WPES's carbon dioxide emissions on the health, welfare, economy, and environment of the State of Nevada, the nation, and the planet as a whole as described in the IPCC report, BLM should conclude that the WPES has severe unmitigated adverse environmental impacts and reject the proposed alternative. The DEIS contains no provisions whatsoever designed to eliminate or minimize carbon dioxide emissions.

As will be discussed below, the DEIS is also fatally flawed because it fails to assess the impacts of global warming pollution on any environmental receptor—such as wildlife, vegetation, water resources, humans, or land. The DEIS is flawed because it fails to analyze the local, regional, or global environmental impacts of CO₂ emissions from the WPES and related facilities. The DEIS is also flawed because it fails to consider the economic impacts of CO₂ emissions from the WPES.

Failure to consider impacts to wildlife due to contributions to climate change

G2-32a

The DEIS also fails to analyze the direct, indirect, and cumulative impact of CO₂ emissions on wildlife. A review of hundreds of scientific articles shows that wildlife is being adversely affected as a result of global warming.³¹ The Endangered Species Act ("ESA"), 16 U.S.C. §1531, was enacted to protect endangered or threatened wildlife from harm or extinction. Under the ESA, federal agencies such as the BLM are required to consult with the Fish and Wildlife Service ("FWS") and National Marine Fisheries Service ("NMFS") "to insure that any action authorized, funded, or carried out by such agency...is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the adverse modification of habitat of such species...determined... to be critical..." 16 U.S.C. §1536(a)(2)(Section 7 consultation).

G2-32b

In the instant case the BLM is proposing not only to issue rights of way ("ROW") that will enable development of the WPES, it also proposed to permanently convert relatively pristine public land by selling it to LS Power for industrial development. Despite this fact, the DEIS fails to assess the local, regional, or global impact of emitting at least 800 million tons of CO₂ from the WPES. The DEIS fails to review any research available on impacts to wildlife as a result of CO₂ emissions and global warming.

For example, greenhouse gas emissions are having a direct and indirect impact on numerous listed species. The global warming pollution associated with the WPES "may affect" such species, which triggers the consultation requirement. The final listing rule for two listed coral species, the elkhorn and staghorn corals, specifically discusses the impacts of climate change and global warming emissions on the species. See Final

³¹ Parmesan, C., "A globally coherent fingerprint of climate change impacts across natural systems" Nature 421: 37-42 (2003).

G2-31 Evaluations of climate change and related impacts to environmental receptors, along with economic impacts, have been added to this FEIS Section 4.19.3.6.1, *Air Quality*. See the responses to comment G1-8 and G1-13. Information from Intergovernmental Panel on Climate Change's (IPCC's) Fourth Assessment Report was used in preparing this FEIS and is cited in the discussion of climate change in FEIS Appendix M (*Understanding and Evaluating Climate Change*).

Regarding reduction of carbon dioxide emissions, see to the response to Comment G1-34.

G2-32a Information on climate change-related impacts to species has been added to this FEIS. Section 3.6.1.1.12, *Climate Change*, in the DEIS has been revised to include a broad discussion of the currently observed impacts to resources associated with climate change (including impacts on species). The section has been re-numbered and is now Section 3.6.2 in the FEIS. Section 4.6.2, *Climate Change*, has been added to this FEIS to describe projected future changes in climate (including impacts on species), along with discussions of the various factors thought to influence climate. Section 4.19.3.6.1, *Air Quality*, has been revised to discuss the potential incremental cumulative impacts of emission sources on climate change. Finally, Appendix M, *Understanding and Evaluating Climate Change*, has been added to this FEIS.

G2-32b See the response to Comment G2-32a. Also note that the CO₂ emission rates presented in this FEIS (Table 4.6-31) are reduced from the values originally presented in the DEIS. These changes reflect the refined calculation methodology discussed in the Technical Memorandum on "Changes to Methodology used for Calculating CO₂ Emissions," which is incorporated by reference into this FEIS. In brief, a revised CO₂ emission factor was calculated for the coal-fired technologies based on the expected actual carbon content of the coal to be used at the Station in accordance with the procedure outlined in Table 1.1-20 of EPA's AP-42 emission factor document, which results in an emission factor with a higher AP-42 quality rating than the one used in the DEIS.

Listing Determinations for Elkhorn Coral and Staghorn Coral, 71 Fed. Reg. 26852, 26857 (May 9, 2006). As such, BLM and WPEA cannot claim these impacts are outside of the "action area" or that such impacts are unforeseen.

Coral reefs are among the first ecosystems to show significant adverse impacts of global warming. An estimated 30 percent are already severely degraded and 60 percent may be lost by 2030. The primary cause of coral reef degradation is the bleaching associated with the expulsion of symbiotic algal zooxanthellae from coral due to elevated sea temperatures. As the authors of an authoritative review in the journal *Science* put it:

The link between increased greenhouse gases, climate change, and regional-scale bleaching of corals, considered dubious by many reef researchers only 10 to 20 years ago, is now incontrovertible. Moreover, future changes in ocean chemistry due to higher atmospheric carbon dioxide may cause weakening of coral skeletons and reduce the accretion of reefs, especially in higher latitudes. The frequency and intensity of hurricanes (tropical cyclones, typhoons) may also increase in some regions, leading to a shorter time for recovery between recurrences. The most pressing impact of climate changes, however, is episodes in coral bleaching and disease that have already increased greatly in frequency and magnitude over the past 30 years.

Hughes et al. (2003).³²

Elkhorn and staghorn coral were as recently as 30 years ago the dominant reef building corals in the Caribbean and Gulf of Mexico (Precht and Aronson, 2004).³³ They have subsequently declined by upwards of 90 percent. *Id.* The primary drivers of the decline have been disease and temperature induced bleaching. 71 Fed. Reg. at 26857; (Pandolfi et al, 2005).³⁴ The coral diseases impacting the species have also been linked to elevated water temperatures. 71 Fed. Reg. at 26857-8; (Harvell et al. 2002).³⁵ As the National Marine Fisheries Service stated: "The major threats to these species' persistence (i.e. disease, elevated sea surface temperatures, and hurricanes) are severe, unpredictable, have increased over the past 3 decades, and at current levels of knowledge, the threats are unmanageable." 71 Fed. Reg. at 26858. Each of these threats is directly linked to global warming pollution. Moreover, CO₂ emissions are also causing ocean acidification, and further inhibiting coral growth:

Along with elevated sea temperatures, atmospheric carbon dioxide levels have increased in the past century, and there is no apparent evidence the trend will not continue. As atmospheric carbon dioxide is dissolved in surface seawater, seawater becomes more acidic, shifting the balance of inorganic carbon away

³² Hughes, T.P., et al. 2003. *Climate change, human impacts, and the resilience of coral reefs*. *Science* 301:929-933.

³³ Precht, W.F. and R.B. Aronson. 2004. *Climate flickers and range shifts of reef corals*. *Front Ecol Environ* 2(6):307-314.

³⁴ Pandolfi, J.M. 2005. *Are U.S. coral reefs on the slippery slope to slime?* *Science* 307:1725-1326.

³⁵ Harvell, C.D. et al. 2002. *Climate warming and disease risks for terrestrial and marine biota*. *Science* 296:2158-2162.

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

from carbon dioxide and carbonate to bicarbonate. This shift reduces the ability of the corals to calcify because corals are thought to use carbonate, not bicarbonate, to build their aragonite skeletons. Experiments have shown a reduction or coral calcification in response to elevated carbon dioxide levels; therefore, increased carbon dioxide levels in seawater may be contributing to the status of the two species.

71 Fed. Reg. at 26858-9. The impacts of global warming pollution and global warming on the elkhorn and staghorn corals are well established. The BLM and WPEA cannot ignore them in abrogation of their NEPA/ESA consultation responsibilities.

Failure to consider impacts to plants and wildlife in the project area

NPS 77 Natural Resource guidelines mandates the National Park Service to identify and promote the conservation of all Federally listed threatened, endangered, or candidate species within the park boundaries and their critical habitats. They are also required to identify all state and locally listed threatened, endangered, rare, declining, sensitive or candidate species that are native to and present in the parks, and their critical habitats.

The Native Bonneville Cutthroat Trout is a species that is endemic to the Great Basin National Park and the local vicinity. It is a US Fish and Wildlife Service Sensitive species and protected under Nevada state law. Great Basin NP has worked for years to restore populations of native Bonneville Cutthroat to the National Park. These populations along with other aquatic species and wildlife including mountain lions, mule deer, porcupine, rabbits, bighorn sheep, beaver, elk and others will be negatively impacted by acid precipitation and reduced stream flows.

According to the DEIS, forty-five springs in the area could be negatively affected by WPES groundwater pumping if the Proposed Action or Alternative 1 is approved. Section 3.5.4.2. Water levels are estimated to decline 2-6 ft in the vicinity of those springs. The DEIS states that the specific impact on the springs cannot be predicted but that those springs drawing from low flowing groundwater are likely to stop flowing as a result of pumping, particularly during dry years. Figure 4.4-2. Because an adverse environmental impact on the springs and their unique wildlife and ecosystem is likely, the DEIS must provide detailed analysis. See Izaak Walton League of Am. v. Marsh, 655 F.2d 346, 377 (D.C. Cir. 1981) cert. denied 454 U.S. 1092 (1981) (holding that if impacts are likely, detailed analysis is required).

G2-33a

The methodology of the studies conducted related to springsnails was inadequate. In Section 3.5.4.2 the DEIS describes studies designed to examine whether the Proposed Action or Alternative 1 would impact state-protected aquatic species living in or around springs affected by the WPES's proposed groundwater pumping. The DEIS notes that in those studies the springsnail was observed in springs larger than those that would be affected by WPES pumping, but did not account for seasonal changes in the size of affected springs. The DEIS also notes that the snail particularly needs water in the late

G2-33a Forty-five springs were identified as occurring in the analysis area and were investigated. Twelve of these springs have the potential to be impacted by ground water pumping associated with the project. See the response to Comment G1-6 regarding potential ground water withdrawal effects on springs and their associated biological resources. Discussion of the potential environmental impacts resulting from ground water withdrawals is contained in the DEIS and this FEIS at Section 4.4.1.2, *Decrease in Spring Discharge*, and Section 4.4.1.3, *Surface Water Features*, for the Proposed Action and at Section 4.4.3.2, *Decrease in Spring Discharge*, and Section 4.4.3.3, *Surface Water Features*, for Alternative 1. Section 4.5.3, *Wildlife and Fisheries Resources*, of the DEIS and this FEIS discusses ground water related effects on biological resources.

To address the potential effects on springs and their associated biological resources, Appendix G in this FEIS outlines the components of the proposed ground water monitoring and mitigation program (subject to approval by the Nevada State Engineer) that would be implemented under either the Proposed Action or Alternative 1 prior to project start-up. This program has been included as a component of the proposed project in Chapter 2 of this FEIS and has been augmented from that presented in the DEIS to include more information on the location of monitoring wells, spring monitoring locations, monitoring frequency, and contingency actions in the event that the discharge from known springs may experience a potentially adverse reduction as a direct response to continued pumping and it is determined that the production well is the actual cause of that potential impact or contamination associated with WPEA activities is anticipated above applicable water quality standards. The ground water monitoring program includes potential corrective or mitigative actions that WPEA is committed to follow in the event that potentially adverse impacts to springs and associated biological resources resulting from WPEA activities are anticipated. If the monitoring program indicates that Station ground water pumping could adversely affect spring flow rates and water levels, and therefore may potentially affect special status and sensitive plant and animal species present in or adjacent to those springs, WPEA will modify their pumping strategy in the well field to avoid the potential for impacts.

In 2005, the BLM retained Dr. Don Sada of the Desert Research Institute, one of the two Great Basin springsnail experts in the United States, to conduct survey work for all springs that were shown in the hydrology model as occurring in the cone of depression. The methodology and timing of the survey were similar to work that Dr. Sada has conducted for other spring surveys in this part of Nevada. The DEIS and this FEIS address a maximum drawdown scenario and require that a monitoring plan be put into place to avoid impacts to springs and sensitive aquatic species. As described previously, this monitoring plan has been augmented from the DEIS and is included in Appendix G of this FEIS. NEPA requires full disclosure of potential impacts and the DEIS does present all potential impacts to springs and aquatic resources of concern. The DEIS acknowledged that any drawdown at any spring with sensitive springsnails could result in impacts to these endemic species.

G2-33a
(cont.) ↑ spring and early summer, but the study was conducted only for two weeks in late September. Section 3.5.4.2. As springsnails are highly sensitive to water levels, flows and temperature, the DEIS needs to adequately account for the effect of the snail from the continuing drawdown of groundwater levels caused by WPES pumping when it would be most susceptible to a change in environment.

G2-33b The scope of the studies conducted on the potential impact on aquatic species was inadequate. The DEIS claims that other aquatic species will not be impacted because the drawdown in groundwater will not impact springs beyond those examined in Appendix H. The DEIS fails to take a hard look at the potential for impact on other springs beyond those in the vicinity of the wells. In light of the Nevada Nature Conservancy's findings on the hydrologic connection between the Snake Valley and Steptoe Valley water tables,³⁶ the DEIS needs to examine how the water levels, springs, and species in Snake Valley will be affected by WPES's large-scale pumping proposal.

Wildlife of particular concern are endemic, rare, and protected species, including but not limited to the Monte Neva Paintbrush (for which the Monte Neva Hot Springs provide habitat for one of only two known populations in the world), the Schell Creek mountain snail, Landyes pyrg, sub-globose Steptoe Ranch pyrg, and flat-topped Steptoe pyrg. Rather than concluding these and other species will not be affected because groundwater pumping is not in their immediate vicinity, the DEIS needs to more precisely examine how the drawdown in groundwater levels will affect the aquatic species throughout Steptoe Valley and other hydrologically-connected surrounding areas.

G2-34 The mitigation proposal of monitoring of springs is inadequate. In Section 4.4.2 the DEIS calls for monitoring of selected springs to assess any impact on the sensitive species. This post-hoc monitoring of selected species is not an adequate mitigation measure in light of the likely risk to sensitive species; monitoring would only catalogue damage done after the BLM permit and other processes have already allowed the project proposal to go forward, thus resulting in an irretrievable commitment of resources.

The DEIS needs to better account for how protected species might be impacted by the decrease in groundwater levels and drying of springs caused by WPES throughout Steptoe Valley. A preferred mitigation or monitoring method would be construction of test wells allowing a more precise simulation of the actual drawdown in groundwater and the associated impact on valley springs and dependent species before an irretrievable commitment is made.

The Bristlecone pines are an important species for Great Basin National Park for both its historical and ecological significance. The purpose of the 1916 Organic Act is for the National Park Service to conserve the scenery, the natural and historic objects, and the wild life therein. Acid deposition harms plant life through direct contact and by changing the chemistry of surface water and soils. It can effect the plants' seed

³⁶ Nature Conservancy Scoping letter, attached hereto.

G2-33b The Ground Water Resources and Special Status Species sections address the impacts of water withdrawal and impacts to aquatic special status species in the valley (see pages 4-14 and 4-80 of the DEIS). The hydrology model showed that the project could impact local springs and associated aquatic species. As a result, Dr. Don Sada (one of two springsnail experts for Nevada in the country) was retained by the BLM to conduct springsnail surveys for areas within the cone of depression where springs occurred. In addition, all other amphibian and aquatic resources were recorded within these potential areas of impacts and are discussed in the DEIS. The DEIS and this FEIS acknowledges that ground water pumping associated with the project could potentially result in the loss of springsnail populations and other aquatic species within the cone of depression. However, the ground water monitoring program will allow the avoidance of these potential impacts. Detailed analysis is found in both the biological resources section and the water resources section of the DEIS and this FEIS as described in the response to Comment G1-6 and G2-33a.

G2-34 Potential effects of the White Pine Energy Station on ground water levels and springs are described in Sections 4.4.1.1 and 4.4.1.2 for the Proposed Action and Sections 4.4.3.1 and 4.4.3.2 for Alternative 1 in both the DEIS and this FEIS. Potential effects on aquatic resources associated with springs that may be affected by the White Pine Energy Station ground water pumping program are described in Section 4.5.3.1.2 for the Proposed Action and Section 4.5.3.2.2 for Alternative 1. For the Proposed Action under a modeled maximum drawdown scenario, ground water levels are projected to decline between 2 and 6 feet in 12 areas where springs are present in Steptoe Valley. Sensitive springsnails are present in 2 of these 12 springs and could be adversely affected, which is described in both the DEIS and this FEIS. Alternative 1 would not result in ground water level declines in the vicinity of known springs in Steptoe Valley and, therefore, would not affect aquatic resources associated with springs.

As described previously in the response to comment G2-33a, site-specific detail has been added to the ground water monitoring program contained in Appendix G of this FEIS regarding sampling locations and sampling frequency for monitoring ground water levels at up to 10 monitoring wells and discharges at selected springs. Appendix G shows the locations of the wells and springs that would be monitored. The purpose and design of the program is to detect the potential for adverse impacts at springs and implement measures that would prevent such impacts from occurring. Appendix G describes mitigation measures that would be implemented, if necessary, to avoid adversely affecting springs and their aquatic resources, including sensitive springsnails, as a result of the ground water pumping program.

The proposed ground water monitoring and mitigation program is required by, and subject to approval by, the Nevada State Engineer and would be implemented under either the Proposed Action or Alternative 1 prior to project start-up. This program has been included as a component of the proposed project in Chapter 2 of this FEIS and has been augmented from that presented in the DEIS. A natural aspect of springs that would be considered in evaluating results of the monitoring program and the potential occurrence of project-related effects is that spring flows can naturally decline or cease seasonally, depending on natural fluctuations in ground water levels. The State Engineer would receive the raw data from the ground water monitoring program, together with a summary from WPEA. The State engineer would be the primary reviewer of monitoring program information and the authority requiring implementation of an action, if needed, in response to ground water level drawdown. This action by the State engineer could be triggered by a change in the results of monitoring well information supplied by WPEA. See the responses to Comments G2-33a and G2-33b regarding snail surveys that were conducted at potentially affected springs for use in describing baseline conditions and assessing potential project effects in the DEIS and this FEIS as part of the environmental studies for this proposed project.

The last paragraph of the commenter's page 21 implies that acid deposition could affect seed germination and survival of the bristlecone pine. The commenter references a 1991 National Park Service technical report, "Acid Rain and Air Pollution in Desert Park Areas," by Mangis and others ("the report"). It should be noted, however, that this technical report does not address the bristlecone pine, and in fact, the information in the report reflects that the pine species studied were not sensitive to the effects of acid deposition. Specifically, the report states that white pine seed germination rates were stimulated (not reduced) at low pH (see p. 46 of the report). Additionally, the report discusses a study (Lee and Weber, 1979) in which eastern white pine (the only pine species evaluated in the study) exhibited stimulated seed germination, no inhibition of top growth, and more rapid growth rates than the control group when exposed to simulated acid rain. Further, the report discusses a study (Percy, 1986) in which, for all the pine species evaluated, germinative capacity and seedling survival were not affected by the pH of simulated rainfall. Therefore, the commenter has provided no information in support of its implication of danger to the bristlecone pine.

Regarding the impact of air emissions on the bristlecone pine, it should be noted that WPEA's PSD air permit application demonstrates that air pollutant concentrations resulting from the White Pine Energy Station are expected to be less than EPA's Screening Procedure Levels (US EPA, "A Screening Procedure for the Impacts of Air Pollution Sources on Plants, Soils, and Animals," EPA 450/2-81-078, Tables B.2 and B.4, December 12, 1980) at all locations. These Screening Procedure Levels are considered to be generally protective of pine species because a total of 19 pine species were considered in EPA's Screening Procedure document. Included in the 19 pine species is the limber pine (*pinus flexilis*). The limber pine and the bristlecone pine are similar in many respects and share the same habitat. The limber pine thrives in White Pine County in the same high-elevation areas as the bristlecone pine (8,000 feet to timberline). In fact, the limber pine grows alongside and is often confused with the bristlecone pine (National Park Service website at <http://home.nps.gov/grba/naturescience/treesandshrubs.htm>). EPA's Screening Procedure document further classifies the limber pine as "resistant" with respect to sulfur dioxide sensitivity, meaning that no injury would be expected as long as the sulfur dioxide concentration remains below a 3-hour average of 5.0 ppmv (which would correspond to 10 times the 3-hour sulfur dioxide NAAQS). The maximum predicted three-hour average sulfur dioxide concentration at Great Basin National Park because of the White Pine Energy Station is 0.002 ppmv or 0.4 percent of the NAAQS (results from WPEA's Calpuff modeling data submitted to NDEP with WPEA's PSD air permit application). Further, the bristlecone pine usually grows in limestone or dolomite soils (National Park Service website at <http://home.nps.gov/grba/naturescience/treesandshrubs.htm>), which have significant buffering capacity and would not be expected to be sensitive to acid deposition. Finally, it is noted that the National Park Service has not identified the bristlecone pine as a sensitive species. Accordingly, based on the discussion in the previous text, the White Pine Energy Station is not expected to result in adverse effects to the bristlecone pine.

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germination and survival.³⁷ Impacts to the Bristlecone pines from pollutants including sulfur dioxide and nitrogen oxide need to be considered.

Failure to consider economic impacts

G2-35 | The DEIS is also flawed because it failed to consider the economic impacts of emitting 800 million tons of CO₂. Peer reviewed studies have been performed modeling the economic costs of global warming and CO₂ emissions.³⁸ For example, it has been estimated that each ton of CO₂ emitted causes approximately \$85 in damage. *Id.* The DEIS is fatally flawed because it completely fails to analyze the economic impact of emitting over 800 million tons of CO₂.

G2-36 | The DEIS fails to take into account the socio-economic impacts of WPES proposed groundwater use. The DEIS relies on an estimate of the perennial groundwater yield of 70,000 acre-feet (AF) to reason that ample groundwater is available. Section 4.17.1.1.2. But the DEIS fails to account for the impact on the 6,360 AF of pre-existing use, which is 43% municipal and 57% agricultural. Section 3.4.2.8. Given the importance of water to both types of beneficial uses, the DEIS needs to address how they would be affected by a 78% increase in groundwater use resulting from WPES proposal.

Failure to analyze air impacts

i) Failure to adequately consider or mitigate CO₂ emissions

On April 2, 2007 the U.S. Supreme Court issued its decision in Massachusetts v. EPA, 127 S. Ct. 1438 (2007). We believe that this decision requires a best available control technology ("BACT") analysis for carbon dioxide, and set a BACT emission limitation for carbon dioxide in order to mitigate the emission of carbon dioxide from the WPES.

The federal Clean Air Act prohibits the construction of a new major stationary source of air pollutants except in accordance with a prevention of significant deterioration construction permit. Clean Air Act § 165(a), 42 U.S.C. § 7475(a). The BLM should require the State of Nevada to conduct a BACT analysis and include in the construction permit BACT emission limitations "for each pollutant subject to regulation under [the Clean Air Act]" for which emissions exceed specified significance levels. Clean Air Act, §§ 165(a), 169, 42 U.S.C. §§ 7475(a), 7479. The federal Clean Air Act regulations provide that "[a] new major stationary source shall apply best available control technology for each regulated NSR pollutant that it would have the potential to emit in significant amounts." 40 C.F.R. § 52.21(j)(1)(emphasis added). The regulations similarly provide that "[a] major modification shall apply best available control

³⁷ D. Mangis and others, "Acid rain and air pollution in desert park areas". Technical Report NPS?NRAQD?NRTR-91/02. Nation Park Service, Air Quality Division; Denver CO, 1991

³⁸ Stern, N., *Stern Review on the Economics of Climate Change*. Cambridge University Press. Available at http://www.hm-treasury.gov.uk/independent_reviews/stern_review_economics_climate_change/sternreview_index.cfm

- G2-35** Estimates of economic impacts associated with climate change and carbon dioxide emissions have been added to this FEIS. A new section subsection, *Social Cost of Carbon Dioxide Emissions*, was added to this FEIS in Section 4.19.3.6.2, *Climate Change*. This section discusses a wide range of published values for the social cost of carbon (SCC), ranging from \$1 to \$77 per ton of carbon dioxide emitted, including the value from the "Stern Report" referenced by the commenter.

For the purposes of this FEIS, the value assumed to be a conservative representation of the peer-reviewed SCC literature was \$12 per ton of carbon dioxide (\$50 per metric ton of carbon), the expected upper bound provided by Tol (2005) based on 28 published studies. Additional details, including the total annual SCC for a 1,600-MW pulverized coal-fired plant, are provided in Appendix M, *Understanding and Evaluating Climate Change*, in this FEIS.

- G2-36** The analysis of the impacts to ground water resources in the DEIS and this FEIS takes into account the most recent estimate of the ground water pumping rate in Steptoe Valley (6,360 acre-feet in 2000) as being representative of current baseline ground water pumping (see Appendix H of the DEIS and Appendix Q of this FEIS). Analysis shows that no aquifer will be depleted by the ground water withdrawals for either the Proposed Action or Alternative 1 given these baseline conditions and effects of past and present projects. The amount of recharge to the basin-fill aquifer system in Steptoe Valley, which is the source of water to both the Proposed Action and Alternative 1, greatly exceeds the amount of water that would be pumped. The average annual ground water inflow to Steptoe Valley ranges from between 85,000 and 132,000 acre-feet per year. The annual water demand for either the Proposed Action or Alternative 1 is 5,000 acre-feet. It should be noted that in response to public concerns, WPEA revised its proposed cooling system to reduce ground water annual consumption from 25,000 acre-feet to 5,000 acre-feet. The annual demand for water by either the Proposed Action or Alternative 1 together with the most recent known ground water demand by other permitted ground water users would use less than 15,000 acre-feet of ground water. This is much less than the annual ground water perennial yield of Steptoe Valley (70,000 acre-feet).

As further background on this subject, the State Engineer issued an order in 1980 designating Industrial/Power Generation as the preferred use of ground water in Steptoe Basin. Following a public hearing in 1983, the Nevada State Engineer granted White Pine County the rights to withdraw up to 25,000 acre-feet per year of ground water in Steptoe Valley for industrial purposes, including power generation. The State Engineer also designated ground water in that portion of Steptoe Valley surrounding Ely and north to McGill for municipal uses and to curtail future appropriation of water for irrigation in that area. The City of Ely holds municipal water rights of 14,476 acre-feet, which the City estimates would serve a population of approximately 20,000 and be adequate for the City's long-term growth. However, the City of Ely uses less than 3,000 acre-feet of its municipal water rights to meet current needs for a population of 4,325 (White Pine County, 2007).

The White Pine County Board of County Commissioners' letter of July 11, 2007, points out that if the water rights granted to White Pine County by the State Engineer for power production are not used for that beneficial use, they could be forfeited or otherwise lost by the county. Further, any change in use by the county would require approval by the State Engineer and would be subject to protest and/or denial. Water rights held by White Pine County are senior to many of the other water rights in the basin, and pumping of these senior water rights (up through White Pine County power production water rights) would not exceed the perennial yield of the basin. The Nevada State Engineer would restrict pumping of water rights junior to those of White Pine County for power production if issues regarding perennial yield were to occur.

technology for each regulated NSR pollutant for which it would result in a significant net emissions increase at the source.” 40 C.F.R. § 52.21(j)(1)(emphasis added). Section 52.21(b)(50) defines “regulated NSR pollutant” as including “any pollutant . . . subject to regulation under the Act.” Specifically, the regulation provides:

Regulated NSR pollutant, for purposes of this section, means the following:

- (i) Any pollutant for which a national ambient air quality standard has been promulgated and any constituents or precursors for such pollutants identified by the Administrator (e.g., volatile organic compounds are precursors for ozone);
- (ii) Any pollutant that is subject to any standard promulgated under Section 111 of the Act;
- (iii) Any Class I or Class II substance subject to a standard promulgated under or established by title VI of the Act; or
- (iv) Any pollutant that otherwise is subject to regulation under the Act; except that any or all hazardous air pollutants either listed in section 112 of the Act or added to the list pursuant to section 112(b)(2) of the Act, which have not been delisted pursuant to section 112(b)(3) of the Act, are not regulated NSR pollutants unless the listed hazardous air pollutant is also regulated as a constituent or precursor of a general pollutant listed under section 108 of the Act.

40 C.F.R. § 52.21(b)(50)(emphasis added). Section 52.21(b)(12), which defines BACT, also makes clear that BACT requirements apply to all air pollutants subject to regulation under the Clean Air Act. The regulation states:

Best available control technology means an emissions limitation (including a visible emission standard) based on the maximum degree of reduction for each pollutant subject to regulation under Act which would be emitted from any proposed major stationary source or major modification which the Administrator, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant.

40 C.F.R. § 52.21(b)(12); see also 42 U.S.C. 7479(3).

The BACT analysis that the State of Nevada must conduct for each pollutant subject to regulation under the Clean Air Act must include a case specific review of relevant energy, environmental and economic considerations that is informed by detailed information submitted by the applicant. See 42 U.S.C. § 7479(3); 40 C.F.R.

52.21(b)(12), (n). Based on its BACT analysis, the State of Nevada must set emission limitations in its permit. See 42 U.S.C. § 7479(3) (BACT means “an emission limitation”); 40 C.F.R. 52.21(b)(12)(same).

It is undisputed that the WPES is subject to BACT requirements for a number of air pollutants for which emissions will exceed specified significance levels. Nor is there any dispute that the WPES will result in carbon dioxide emissions in excess of any applicable BACT significance threshold.³⁹ The WPES is subject to BACT requirements for carbon dioxide because carbon dioxide is an “air pollutant” subject to regulation under the Clean Air Act.

Section 302(g) of the Clean Air Act defines “air pollutant” expansively to include “any physical, chemical, biological, radioactive . . . substance or matter which is emitted into or otherwise enters into the ambient air.” 42 U.S.C. § 7602(g)(emphasis added). In its April 2, 2007 opinion in Massachusetts v. EPA, the Supreme Court held that carbon dioxide and other greenhouse gases are air pollutants as defined in § 302(g), 42 U.S.C. § 7602(g). 127 S. Ct. at 1459-60. The Court based its holding on the “unambiguous” language of the definition. Id. at 1460. The Court further held that because carbon dioxide is within the Clean Air Act’s definition of “air pollutant,” EPA has the authority to regulate carbon dioxide under the Act. Id. at 1462.

The Court in Massachusetts v. EPA dispensed with any uncertainty whether carbon dioxide is an “air pollutant” under the Clean Air Act.⁴⁰ Further, carbon dioxide is subject to regulation under the Clean Air Act. Section 821 of the Clean Air Act Amendments of 1990 required EPA to promulgate, within 18 months after enactment of the Amendments, regulations to require certain sources, including coal-fired electric generating stations, to monitor carbon dioxide emissions and report monitoring data to EPA. 42 U.S.C. § 7651k note. In 1993 EPA promulgated such regulations, which are set forth at 40 C.F.R. Part 75. The regulations generally require monitoring of carbon dioxide emissions through installation, certification, operation and maintenance of a continuous emission monitoring system or an alternative method (40 C.F.R. §§ 75.1(b), 75.10(a)(3)); preparation and maintenance of a monitoring plan (40 C.F.R. § 75.33); maintenance of certain records (40 C.F.R. § 75.57); and reporting of certain information to EPA, including electronic quarterly reports of carbon dioxide emissions data (40 C.F.R. §§ 75.60 – 64). Section 75.5, 40 C.F.R., prohibits operation of an affected source in the absence of compliance with the substantive requirements of Part 75, and provides that a violation of any requirement of Part 75 is a violation of the Clean Air Act.

In addition to being regulated under Section 821 of the 1990 Clean Air Act Amendments, carbon dioxide is “subject to regulation” under a number of the Clean Air

³⁹ Section 52.21(b)(23)(i), 40 C.F.R., does not set forth a significance level for carbon dioxide. Therefore, pursuant to 40 C.F.R. § 52.21(b)(23)(ii), any emissions of carbon dioxide are significant.

⁴⁰ EPA’s then general counsel, Jonathan Z. Cannon, opined in 1998 that carbon dioxide is within the Clean Air Act’s definition of “air pollutant” and that EPA has the authority to regulate carbon dioxide. More recently, however, EPA has advanced a contrary interpretation that is contrary to the plain language of Section 302(g) and the Massachusetts v. EPA opinion.

Act's substantive provisions. These provisions include Section 202, which requires standards applicable to emissions of "any air pollutant" from motor vehicles, and Section 111, which requires standards of performance for emissions of "air pollutants" from new stationary sources. 42 U.S.C. §§ 7411, 7521. Carbon dioxide is "subject to regulation" under these provisions despite EPA's and the States' failure to exercise such authority to date. The plain meaning of Section 165(a)(4) of the Clean Air Act's mandate that BACT applies to "each pollutant subject to regulation under [the Clean Air Act]" extends not only to air pollutants for which the Act itself or EPA or the States by regulation have imposed requirements, but also to air pollutants for which EPA and the States possess but have not exercised authority to impose such requirements. Regulation under Sections 202 and 111 is required where air pollution "may reasonably be anticipated to endanger public health or welfare." 42 U.S.C. § 7411(b)(1)(A); 42 U.S.C. § 7521(a)(1). The Supreme Court's holding in Massachusetts v. EPA dispensed with any uncertainty whether EPA and the States have the authority to take action to control carbon dioxide emissions under Sections 202 and 111.

The Massachusetts v. EPA case specifically involved a challenge to EPA's failure to prescribe regulations on carbon dioxide emissions from motor vehicles under Section 202 of the Clean Air Act. The Court held that EPA has the authority to issue such regulations, and rejected the excuses advanced by EPA for failing to do so. 127 S. Ct. at 1459-63. Following the Court's decision, the President, in a May 14, 2007 Executive Order, acknowledged EPA's authority to regulate emissions of greenhouse gases, including carbon dioxide, from motor vehicles, nonroad vehicles and nonroad engines under the Clean Air Act. The Executive Order directs EPA to coordinate with other federal agencies in undertaking such regulatory action.

A challenge to EPA's failure to establish emission limits for carbon dioxide emissions from power plants under Section 111 of the Clean Air Act is pending before the United States Court of Appeals for the District of Columbia Circuit. State of New York, et al. v. EPA, No. 06-1322. EPA refused to establish such emission limits solely on the ground that EPA lacked the authority to regulate carbon dioxide under the Clean Air Act. Based on Massachusetts v. EPA, petitioners, on May 2, 2007, asked the Court of Appeals to vacate EPA's determination that it lacks authority to regulate carbon dioxide emissions under Section 111, and to remand the matter to EPA for further proceedings consistent with the Massachusetts v. EPA decision.

EPA's regulations cited above echo the mandate of Section 165(a)(4) of the Clean Air Act that BACT applies not only to pollutants for which regulatory requirements have been imposed, but also to air pollutants for which EPA and the States possess but have not exercised authority to impose regulatory requirements. The regulations provide that BACT applies not only to air pollutants for which there are national ambient air quality standards under Section 109 of the Act, standards of performance for new sources under Section 111 of the Act, or standards under or established by Title VI of the Act (relating to acid deposition control), but also to "[a]ny pollutant that is otherwise subject to regulation under the Act." 40 C.F.R. § 52.21(b)(50).

Carbon dioxide is an air pollutant subject to regulation under the Clean Air Act for which WPES must comply with BACT requirements.

The proposed permit for the WPES does not contain a BACT emissions limitation for carbon dioxide. WPES has not conducted a BACT analysis for carbon dioxide. WPES has made no effort to identify or evaluate available "production processes or available methods, systems and techniques for control of carbon dioxide." See 40 C.F.R. § 52.21. The State of Nevada has likewise failed to do so. WPES's air permit application submitted no BACT analysis for carbon dioxide or technology alternatives that may mitigate the CO₂ emissions such as an algae reactor, or carbon dioxide emission reductions that might be achieved through use of generating units that are more efficient than the pulverized coal units proposed by WPEA, including IGCC or ultra-supercritical coal-fired units, or gas-fired units. Nor has WPES submitted any evaluation of the possibility of sequestering carbon, including through injection to enhance recovery of oil and gas.

In addition to violating the mandate to comply with BACT requirements for carbon dioxide because carbon dioxide is a "pollutant subject to regulation" under the Clean Air Act, BLM has unreasonably, arbitrarily, capriciously and unlawfully failed to eliminate, mitigate, or limit carbon dioxide emissions.

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In light of the serious adverse impacts of carbon dioxide emissions on human health and welfare, property, and the environment, BLM cannot accept the proposed alternative without requiring WPES to eliminate or limit carbon dioxide emissions. Indeed, the Supreme Court in Massachusetts v. EPA, even without the benefit of the most recent IPCC Reports, noted that the "[t]he harms associated with climate change are serious and well recognized." 127 S. Ct. at 1455. The Supreme Court also acknowledged "the enormity of the potential consequences associated with man-made climate change." Id. at 1458.

ii) Other unmitigated adverse air impacts from criteria pollutants

The WPEA facility will be a major source of sulfur dioxide (SO₂ = 6,071 tons per year (TPY)), nitrogen oxide (NO_x = 4,814 TPY), particulate matter (PM₁₀ = 2,687 TPY), and sulfuric acid mist (H₂SO₄ = 233 TPY). The National Park Service ("NPS") has the authority and responsibility to protect air quality related values, such as visibility and nitrogen deposition, in the national parks, including Zion and Great Basin National Parks. The NPS has reviewed the WPES draft air permit application and submitted comments on January 31, 2007.⁴¹ In its comments, the NPS stated, "we believe the proposed emissions from the WPEA facility would significantly impact resources at Great Basin National Park (see discussion below). Therefore, it is important that impacts at Great Basin National Park be lessened. We believe that the WPEA facility could achieve lower emission limits by choosing an inherently cleaner coal combustion technology, or making more effective use of the control technologies chosen for the PC boiler. Please note that

⁴¹National Park Service Comments on the White Pine Energy Associates Power Plant Prevention of Significant Deterioration Permit Application January 31, 2007 (attached hereto).

G2-37 As explained in the responses to Comments G2-4 and G2-20, BACT requirements do not apply to carbon dioxide emissions and carbon dioxide emissions reductions are not required.

The commenter cites comments from National Park Service on the PSD BACT analysis for the proposed Station that are substantively equivalent to comments submitted by Park Service on the DEIS. The commenter is referred to the responses to Park Service comments on the DEIS (responses to comment letter F3). Additional information has been provided in FEIS Section 2.5.4, *Alternative Air Pollution Control Technologies*, and Appendix D, *Evaluation of Alternative Control Strategies*, documenting the factors that were considered in the selection of air emissions control devices for the proposed Station. See the response to Comment G2-20.

BACT Requirements				BACT Requirements				Comments
Parameter	Unit	Value	Limit	Parameter	Unit	Value	Limit	
SO ₂	lb/day	100	100	SO ₂	lb/day	100	100	
NO _x	lb/day	100	100	NO _x	lb/day	100	100	
PM ₁₀	lb/day	100	100	PM ₁₀	lb/day	100	100	
PM _{2.5}	lb/day	100	100	PM _{2.5}	lb/day	100	100	
CO	lb/day	100	100	CO	lb/day	100	100	
CH ₄	lb/day	100	100	CH ₄	lb/day	100	100	
H ₂	lb/day	100	100	H ₂	lb/day	100	100	
N ₂	lb/day	100	100	N ₂	lb/day	100	100	
O ₂	lb/day	100	100	O ₂	lb/day	100	100	
CO ₂	lb/day	100	100	CO ₂	lb/day	100	100	
CO ₂ Reduction	lb/day	100	100	CO ₂ Reduction	lb/day	100	100	

it is generally understood that a source impacting a national park is held to a higher standard and may be required to install additional controls or take additional operational measures to minimize impacts at these national treasures.” Unfortunately, WPES and BLM ignored this recommendation and has not mitigated the emissions or considered an “inherently cleaner coal combustion technology” as an alternative in the DEIS.

Recent studies show that other coal combustion technologies can meet lower criteria pollutant emission rates—thus mitigating impact on the environment. See Table ES-2 (reproduced below).⁴²

Exhibit ES-2, Environmental Impact Comparison								
Environmental Impact lb/MWh	Bituminous Coal				Subbituminous Coal			
	IGCC Slurry Feed Gasifier	Sub- Critical PC	Super- critical PC	Ultra Super- critical PC	IGCC Slurry Feed Gasifier	Sub- critical PC	Super- critical PC	Ultra Super- critical PC
NO _x (NO ₂)	0.355	0.528	0.494	0.442	0.326	0.543	0.500	0.450
SO ₂	0.311	0.757	0.709	0.634	0.089	0.589	0.541	0.488
CO	0.217	0.880	0.824	0.737	0.222	0.906	0.832	0.750
Particulate Matter ¹	0.051	0.106	0.099	0.088	0.052	0.109	0.100	0.090
Volatile Organic Compounds (VOC)	0.012	0.021	0.020	0.018	0.013	0.025	0.023	0.020
Solid Waste ³	65	176	165	155	45	73	67	60
Raw Water Use	4,960	9,260	8,640	7,710	5,010	9,520	8,830	7,870
SO ₂ Removal Basis, %	99	98	98	98	97.5	87 ²	87 ⁴	87 ⁵
NO _x Removal Basis ²	15 ppmvd at 15% O ₂	0.06 lb/MMBtu	0.06 lb/MMBtu	0.05 lb/MMBtu	15 ppmvd at 15% O ₂	0.06 lb/MMBtu	0.06 lb/MMBtu	0.06 lb/MMBtu

SO₂

The WPES also fails to incorporate state-of-the-art technology to mitigate SO₂ emissions. Expected SO₂ emissions from WPES have triggered a cumulative analysis of three-hour SO₂ increment consumption at Zion National Park. The NPS also concluded that, “estimates of WPEA’s contribution to deposition indicate that WPEA’s emissions will significantly increase sulfur and nitrogen deposition in Great Basin NP. Increases in sulfur and nitrogen deposition may reduce already low ANC (acid neutralizing capacity) in park lakes, increasing the potential for episodic or chronic acidification, with subsequent deleterious impacts to fish, invertebrates, and other organisms. Increases in nitrogen deposition may also affect ecosystem function and biodiversity in the park.”⁴³ This includes a threat to cutthroat trout in Baker Lake.

⁴² See U.S. EPA., *Environmental Footprints and Costs*, Table ES-2 at ES-8 (attached hereto).

⁴³ National Park Service Additional Comments on the White Pine Energy Associates Power Plant Prevention of Significant Deterioration Permit Application March 8, 2007, pp. 3-4 (attached hereto).

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

The NPS has noted that WPES will emit 50% more SO₂ than the proposed Desert Rock facility.⁴⁴ Moreover, the following table proves that SO₂ emissions can be greatly reduced as is proven by significantly lower emission limits at IGCC facilities.

SO₂ Emissions

Facility	SO ₂ (lb/MMBtu)	Averaging Period	Plant Type	Notes
WPEA	0.09	24-hr rolling avg.	PC with dry scrubber	Proposed
Taylorville Energy Center ⁴⁵	0.0117	3-hr avg	IGCC	Proposed
SICEC	0.033	30-day rolling avg	IGCC	Proposed
Kentucky Pioneer	0.032	3-hr avg	IGCC	Permit Approved
Lima Energy	0.021	12-month avg	IGCC	Permit Approved
ERORA Cash Creek	0.0117	3-hr avg	IGCC	Draft Permit Pending
AEP OH ⁴⁶	0.017	unknown	IGCC	Draft Permit Pending
AEP WV ⁴⁷	0.017	unknown	IGCC	Draft Permit Pending
Mesaba	0.025	unknown	IGCC	Draft Permit Pending

⁴⁴ National Park Service Comments on the White Pine Energy Associates Power Plant Prevention of Significant Deterioration Permit Application January 31, 2007, p. 3. (attached hereto).

⁴⁵ The latest draft Taylorville PSD Construction Permit has new limits for SO₂ and NO_x.

⁴⁶ AEP Great Bend IGCC Facility Air Permit Application, Proposed Emission Limits.

⁴⁷ AEP WV Mountaineer IGCC Facility Air Permit Application, BACT/LEAR Analysis.

reader shown on the facing page.

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The NPS has recommended that WPES utilize wet scrubbers as a control technology alternative to reduce and/or mitigate SO₂ emissions.⁴⁸ The DEIS unreasonably fails to consider wet scrubbers as a pollution control alternative or mitigation measure.

Nox

Likewise, WPES is proposing an emission limit for Nox that allows 15% more emissions than Desert Rock. *Id.* WPES can, and should, meet the Nox emission limit set by Desert Rock in order to mitigate NOx emissions and related nitrogen deposition in Zion and Great Basin National Parks. The following table proves that Nox emissions from WPES can be mitigated by utilizing IGCC technology.

NO_x Emissions

Facility	NO _x (lb/MMBtu)	Averaging Period	Plant Type	Notes
WPEA	0.07	24-hr rolling avg.	PC with SCR	Proposed
Taylorville Energy Center ⁴⁹	0.0246	24-hr. avg	IGCC	Proposed
SICEC	0.059	30 day avg	IGCC	Proposed
Kentucky Pioneer	0.0735	3 hr avg	IGCC	Permit Approved
Lima Energy	0.097	12-month ave	IGCC	Permit Approved
ERORA Cash Creek	0.0246	24 hr avg	IGCC	Draft Permit Pending
AEP OH ⁵⁰	0.057	unknown	IGCC	Draft Permit Pending
AEP WV ⁵¹	0.057	unknown	IGCC	Draft Permit Pending
Mesaba	0.057	unknown	IGCC	Draft Permit Pending

⁴⁸ National Park Service Additional Comments on the White Pine Energy Associates Power Plant Prevention of Significant Deterioration Permit Application March 8, 2007, p. 2 (attached hereto).

⁴⁹ Taylorville PSD Construction Permit.

⁵⁰ AEP Great Bend IGCC Facility Air Permit Application, Proposed Emission Limits.

⁵¹ AEP WV Mountaineer IGCC Facility Air Permit Application, BACT/LEAR Analysis.

G2-38 See the response to Comment G2-37 regarding the evaluation of alternative air pollution control technologies. The evaluation documented in FEIS Section 2.5.4, *Alternative Air Pollution Control Technologies*, and Appendix D, *Evaluation of Alternative Control Strategies*, includes a detailed explanation of why wet scrubbing was not selected for the White Pine Energy Station. In brief, wet scrubbing was not selected because of the negative energy, environmental, and economic impacts.

Regarding the table of NO_x limits that follows this comment, it is noted that the commenter's table does not "prove that nitrogen oxides emissions from the Station can be mitigated by utilizing IGCC technology." Rather, the lower IGCC NO_x limits shown in the table are only for proposed facilities, none of which have been constructed or demonstrated to comply with the listed (speculative) NO_x limits. The NO_x BACT limit of 0.07 lb/million Btu (MMBtu) for the White Pine Energy Station represents the lowest limit that the Station would reasonably be expected to achieve with SCR, the technology selected as BACT. NO_x emission rates can vary based on changes in initial and ongoing operating conditions, and the NO_x BACT limit of 0.07 lb/MMBtu is justified based on a statistical evaluation of emission levels achieved at the best-performing similar sources. While other applicants may have proposed lower NO_x BACT limits, these limits remain speculative and have not been demonstrated in practice.

iii) Failure to adequately analyze visibility impacts

Great Basin NP has monitored visibility since 1982. Despite pronounced visibility deterioration since the 1950's in most regions of the United State, Great Basin NP has maintained some of the best visibility in the lower 48 states with a Standard Visual Range (SVR) of approximately 120 miles.⁵²

The Great Basin NP's Final General Management Plan mandates the park:

"To preserve the significant views of the Snake Valley and Spring Valley basins, which are an integral part of the Great Basin experience, the Park Service would review, evaluate, and make recommendation to local governments concerning all proposals for major developments or activities that might affect the visual integrity of the valleys."

"Public Law 99-565 established Great Basin National Park "to preserve for the benefit and inspiration of the people a representative segment of the Great Basin of the Western United States possessing outstanding resources and significant geological and scenic values." It further stated that the Park Service is to "protect, manage and administer the park in such a manner as to conserve and protect scenery, the natural, geologic, historic and archeological resources of the park, including fish and wildlife and to provide for the public use and enjoyment of the same in such a manner as to perpetuate these qualities for future generations."

The Planning Issues and Concerns Scenic Resources section of the Final GMP states:

"The views across Snake Valley and Spring Valley as visitors approach the park and from various locations within the park greatly enhance experiences and are a significant park resource. Although these valleys are not within the park boundary, they are critical in conveying the theme of "the Great Basin physiographic region" to visitors. Without the contrasting valley basins, the mountainous lands inside the park can illustrate only a portion of that theme. The visual impairment of these basins as a result of major industrial, commercial, or military activity would alter the pastoral basin scene that adds a critical dimension to the national park. The general management plan includes recommendations for preserving scenic resources within the Great Basin region."

Air Quality section states:

"The area of eastern Nevada that includes the park has air quality exceeding the highest standard in the United States. Visibility from the

⁵² Copeland and others, "Integrated report of optical and aerosol monitoring: Great Basin Nation Park – March 1993 through February 1994", Interagency Monitoring Protected Visual Environments Program, 1995.

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park often exceeds 100 miles. The ability to view broad areas of basin and range topography and distant mountains is central to interpreting the entire Great Basin region, one of the park mandates established by Congress.”

The following objectives are based on the direction provided in the parks authorizing legislation:

“Manage the park to maintain the greatest degree of biological diversity and ecosystem integrity within the provisions of the authorizing legislation. . . .

Maintain the pristine quality of air, water, geologic, and scenic resources in the park.

Maintain an adequate supply of potable water to meet the present and future needs of park visitors and management.

Minimize the adverse visual impacts of human activity on the Snake and Spring valleys through active, early consultation with government agencies and private interest; eliminate or mitigate the effects of any development or activity within the park boundary that intrudes on visitors’ views of the park’s scenic resources.”

The NPS has stated that WPES alone will have adverse impacts on visibility at Zion and Great Basin National Park. More specifically, the NPS has determined that WPES will have the following impacts on visibility:

Class I Visibility Modeling Results (%)

WPEA Project Only	Zion National Park	Great Basin National Park
Maximum Change	10.6%	33.5%
Days over 5%	9	146
Days over 10%	1	57

The DEIS does nothing to mitigate these impacts or consider meaningful alternatives to the WPES.

In summary, the NPS has identified severe impacts to Great Basin National Park. As the NPS has stated, “if WPEA chooses to locate near a national park, it should assume a burden of protecting the resources in that park from the effects of its operation. That may mean “going the extra mile” to employ advanced combustion and/or pollution control technology. If WPEA is not willing to do so, it should consider an alternate location.”⁵³

⁵³ National Park Service Additional Comments on the White Pine Energy Associates Power Plant Prevention of Significant Deterioration Permit Application March 8, 2007, p. 1 (attached hereto).

iv) Failure to adequately analyze mercury emissions

Coal-fired power plants are the largest uncontrolled sources of elemental mercury in the U.S., emitting approximately 45 tons of mercury into the air every year and accounting for up to 40 percent of total domestic mercury emissions.⁵⁴ Every other major industrial source of elemental mercury, including municipal and medical waste incinerators, has had to meet the "maximum achievable control technology" (MACT) standards under the Clean Air Act, which were regulated more than a decade ago. MACT standards have significantly reduced mercury levels downwind of these sources.

Numerous scientific studies show that elemental mercury accumulates closely around the point of emission.⁵⁵ Once emitted into the environment, elemental mercury is transformed by biochemical processes into methylmercury. Methylmercury is highly toxic to humans and wildlife, even in minute amounts. For these reasons, the American Medical Association says that allowing power plants to escape mercury cleanup through cap-and-trade "is inconsistent with the AMA's health-protective approach to air pollution."⁵⁶

- Research in the eastern United States shows significant bioaccumulation of methylmercury in salamanders, Peregrine falcons and forest songbirds. In recent decades, the number of wood thrushes in the southeast region has declined 45 percent, and researchers now suspect that accumulation of airborne mercury in forest ecosystems could be part of the cause.
- Monitoring has shown that concentrations of methylmercury in game fish from many interior lakes in Voyageurs National Park in northern Minnesota substantially exceeds criteria for the protection of human health. Researchers recently concluded that nearly all of the mercury in fish in this seemingly pristine environment was derived from industrial emissions.⁵⁷
- Extremely high mercury levels were recently found in the endangered Indiana bats living in Mammoth Cave National Park in Kentucky, which is located in an area that has among the greatest concentrations of coal-fired power plants of anywhere in the country.⁵⁸
- Two studies conducted by the National Oceanic and Atmospheric Administration (NOAA) – one on the Great Lakes region and the other on the Chesapeake Bay –

⁵⁴ See EPA, Final 1999 Point Source National Emissions Inventory for Hazardous Air Pollutants (July 9, 2003); 65 Fed. Reg. 79825, 79827 (Dec. 20, 2000). U.S. EPA, Study of Hazardous Air Pollutant Emissions from Electric Steam Generating Units: Final Report to Congress, EPA-453/R-98-004A, at ES-5, Table ES-1 ("Utility Report to Congress").

⁵⁵ E.g., Gerald J. Keeler, M.S. Landis, G.A. Norris, E.M. Christianson, and J.T. Dvonch, "Sources of Mercury Wet Deposition in Eastern Ohio, USA," *Environmental Science and Technology* (American Chemical Society), Vol. xx, No. xx, xxx (published online September 8, 2006).

⁵⁶ American Medical Association, <http://www.ama-assn.org/ama/pub/category/17086.html>.

⁵⁷ J.G. Wiener, B.C. Knights, M.B. Sandheinrich, J.D. Jeremianson, M.E. Brigham, D.R. Engstrom, L.G. Woodruff, W.F. Cannon, and S.J. Balough, "Mercury in Soils, Lakes and Fish in Voyageurs National Park (Minnesota): Importance of Atmospheric Deposition and Ecosystem Factors," *Environmental Science and Technology* (American Chemical Society), vol. 40, no. 20 (September 6, 2006).

⁵⁸ *The Louisville Courier-Journal*, "Contaminated BATS? Mercury found in animals at Mammoth Cave," August 7, 2005

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have determined that sources within sixty miles of a particular water body are responsible for the majority of mercury contamination in the water, despite the level of emissions from the distant sources.⁵⁹ Local emissions of mercury can account for 50% to 80% of mercury deposition in "hot spots."⁶⁰

Coal-fired power plants are the single largest source of mercury air emissions in the nation, and deposition of these air emissions causes an accumulation of mercury in water bodies. Coal-burning plants can create mercury hotspots in the vicinity of the plant.⁶¹ The U.S. Environmental Protection Agency has identified coal-fired utility boilers as the largest source of domestic anthropogenic mercury emissions to the atmosphere and has noted a causal link between these releases and the presence of methylmercury in fish tissue.⁶² Mercury emitted from coal plants becomes methylmercury in the environment, where it becomes toxic in even minute amounts. Readily absorbed by living tissues, methylmercury can cause serious birth defects, central nervous system and brain damage, diminished intelligence, and, recent evidence suggests, autism. According to the FDA standard, it would only take one pound of methylmercury to contaminate 500,000 pounds of fish, which, when consumed by humans and wildlife, increases their mercury levels. The U.S. EPA has found that 1 in 6 women has levels of mercury in her blood above the safe standard, putting her future children at risk for learning and behavioral problems associated with mercury poisoning.

These harmful health effects result in billions of dollars in healthcare and lost productivity costs. A Mt. Sinai Medical School study has quantified the economic impacts of mercury exposure, specifically on lost productivity due to reductions in IQ.⁶³ The cost in lost productivity from methylmercury exposure (largely through the consumption of contaminated fish) is estimated to be \$8.7 billion annually with \$1.3 billion of this cost attributable to U.S. power plants. These costs, which measure only the costs from reduced productivity in adulthood due to reduction in IQ, do not consider the additional costs associated with IQ reduction, for example: poverty, out-of wedlock birth, low-weight births, welfare reciprocity, dropping out of high school, and special education costs.

In addition to these harmful effects on human health, mercury contaminated fish also risk the well-being of wildlife. The Wisconsin DNR has long studied the impact of

⁵⁹ M. Cohen *et al.*, "Modeling the Atmospheric Transport and Deposition of Mercury to the Great Lakes," 95 *Env'tl Res.* 247, 262-63 & fig. 14 (2004) (power plant contribution to Great Lakes mercury "hot spots"); M. Cohen, NOAA, Modeling the Fate and Transport of Atmospheric Mercury in the Chesapeake Bay Region (May 17, 2004) ("NOAA Chesapeake Bay") available online at http://www.arl.noaa.gov/data/web/reports/cohen/20_Ches_Bay_talk.pdf.

⁶⁰ *Id.*

⁶¹ See generally, David C. Evers, *et al.*, *Biological Mercury Hotspots in the Northeastern United States and Southeastern Canada*, BioScience, Vol. 57 No. 1 (January 2007).

⁶² Gerald J. Keeler, *et al.*, *Sources of Mercury Wet Deposition in Eastern Ohio, USA*, Environ. Sci. & Technology at A, (citing *Mercury Study Report to Congress*, EP A-452/R-97-005; Office of Air Quality Planning and Standards, Office of Research and Development: Washington, DC, 1997).

⁶³ Kathleen Schuler, MPH, and Christopher S Williams, MD, Institute for Agriculture and Trade Policy, *Protecting Children from Mercury Exposure Is Cost Effective*, March 8, 2005 at 1.

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

mercury on the common loon, and discovered that loons have high mercury levels that contribute to low fecundity rates.

G2-39 | Mercury pollution from Nevada not only contaminates the downwind areas within the state, but is a likely source of the high levels of mercury contamination found in water bodies and fish in Idaho and Utah. Because the state already emits high levels of mercury, any new source should be held to the most stringent standards. Unfortunately, the DEIS fails to require appropriate mitigation of mercury emissions that are readily achievable using the control technology proposed.

More specifically, the WPES proposes using mercury control technology that can comfortably and routinely reduce mercury emissions by 90 percent or more.⁶⁴ It appears that the draft air permit's proposed mercury limit would reduce Hg emissions by 83 percent or less. Stamper Report at 1-3.⁶⁵ The WPES should be required to mitigate its mercury emissions to the greatest extent possible—which would exceed 90% reductions. There are readily available methods for mitigating mercury emissions. Scrubbers used to clean up power plant sulfur dioxide can be configured to capture 90% of the mercury emissions at some plants. Other plants are choosing to use a method known as “activated carbon injection” to cut their mercury emissions by greater than 90%. Each of these methods is being used today, and other mercury control technologies are expected to come on line in the near future. Mercury control costs are equivalent to other pollutants.

Failure to adequately analyze cumulative impacts

NEPA requires the federal government to conduct an analysis of the cumulative impacts of its actions. 40 C.F.R. §1508.7 (defining “cumulative impact” as the “impact on the environment which results from the incremental impact of the action when added to other past, present and reasonably foreseeable actions”).

G2-40 | In general, the cumulative impacts analysis in the DEIS (DEIS Section 4.19) is completely inadequate because it fails to provide a quantitative analysis of the cumulative impacts of the connected actions. While the DEIS does note many instances that there will be cumulative impacts to various resources, it fails to provide any “hard” data to assess these impacts. Thus, Section 4.19 is not useful in assessing the true nature of these cumulative impacts. More specific examples of the deficiencies of Section 4.19 are provided below.

i) Failure to adequately analyze surface water cumulative impacts

G2-41 | The water impacts for park visitors and employees should be analyzed. The 1916 Organic Act requires the National Park Service to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations. The additions of pollutants to the water within Great Basin National Park would strongly impact visitor experience and health.

⁶⁴ Stamper Report, pp. 1-3 (attached hereto).

⁶⁵ All issues raised in the Stamper report are incorporated herein by reference.

G2-39 The Station will minimize mercury emissions via the use of halogenated activated carbon sorbent technology. Mercury sorbent technology is still in an early stage of development. Although the commenter contends that the "DEIS fails to require appropriate mitigation of mercury emissions that are readily achievable using the control technology proposed," the commenter's Stamper report only cites short-term studies that are not sufficient to establish performance levels that would be achievable on a long-term basis. The Holcomb Station sorbent study only lasted 4 weeks. The DTE Energy St. Clair Station sorbent study only reported the first 13 days of a planned 30-day test. The short-term coal blending tests conducted at the Holcomb Station and referenced by the Stamper report are not representative of the proposed Station because sub-bituminous and bituminous coal blending is not expected to occur on a normal basis. Thus, the studies cited by the commenter are not sufficient to establish long-term performance levels that could be achieved by any facility on a long-term basis, and the commenter's claims of comfortable and routine mercury emissions reductions of 90 percent or more are not supported by the record.

Detailed analyses (including cumulative analyses) of mercury emissions, mercury deposition, and methylmercury in aquatic ecosystems have been added to this FEIS. See the response to Comment G1-2 for a summary of the new information.

G2-40 Additional quantitative data have been included in the discussions contained in Section 4.19, *Cumulative Impacts*, of this FEIS where such data are available and provide relevant information on the anticipated magnitude of a potential cumulative impact for a given resource. Quantitative data are not always available for describing cumulative project effects and, in those instances, qualitative descriptions are used instead. The Southwest Intertie Project (SWIP) and Nevada Northern Railroad (NNR) were included and analyzed both as connected actions and cumulative projects in the DEIS and this FEIS. Potential impacts of the entire SWIP in Idaho and Nevada and the entire NNR in Nevada are summarized in the connected action discussions for each resource area in Sections 4.2 through 4.18 of the DEIS and this FEIS. Those discussions focus on the potential for connected action impacts in areas where the SWIP corridor or NNR Rail Line overlaps or interconnects with the White Pine Energy Station project area, and they have been included in the discussion of cumulative impacts in Section 4.19 as well. SWIP impacts were summarized from the impact analyses in the SWIP FEIS prepared by the BLM in 1993. NNR impacts were summarized from the impact analysis in an environmental assessment report prepared by David Evans and Associates, Inc., in 2002. Quantitative impact information on the SWIP and NNR have been included in this FEIS in the connected actions and cumulative impacts analyses where quantitative information is available in the SWIP FEIS and the NNR environmental assessment report that specifically applies to the White Pine Energy Station analysis area for a given resource.

G2-41 The potential for water impacts to Great Basin National Park was analyzed. In its comments on the Draft PSD Air Permit for the White Pine Energy Station, the National Park Service identified Baker Lake as the most acid-sensitive lake at the park. Based on the deposition analysis provided in Appendix L, *Cumulative Analysis for Air Quality*, of this FEIS, the White Pine Energy Station would not cause or contribute to any adverse effects to Baker Lake, the most sensitive aquatic ecosystem identified by the National Park Service in Great Basin National Park. Therefore, no adverse effects are expected because of deposition in Great Basin National Park.

G2-42 | The impacts on Great Basin NP's stream flows and springs which subsequently impact the extensive cave system of the park and wildlife, fish and other aquatic species needs to be taken in to consideration. Currently acid deposition is not a problem in the ground water and lakes with in Great Basin National Park, however it is essential to adequately analyze the threat of sulfur dioxide and nitrogen oxide emissions from the proposed coal fired power plant. The ground water and lakes would be highly susceptible to acidification should acid depositions occur. The granitic and quartzitic basins occupied by these lakes, combined with their high elevations, leave them with very little capacity to neutralize acidic pollutants.

G2-43 | The DEIS also fails to consider the cumulative impacts on surface water resources, wilderness areas, and solid and hazardous wastes. (DEIS, p. 4-263). The BLM was wrong for failing to consider the cumulative impacts on these resources. Given that the proposed Ely Energy Center will be located nearly adjacent to the WPES, the cumulative impacts on these resources must be evaluated. The National Park Service has expressed concern over the impacts caused by the WPES and other connected actions on surface water resources. For example, the WPES and EEC will both emit significant quantities of acid generating emissions, such as SO₂ and Nox. These pollutants can acidify surface waters and adversely impact aquatic resources. Moreover, numerous wilderness areas surround the WPES and EEC and the cumulative impacts to these areas must be evaluated. Finally, a large volume of hazardous and/or solid wastes will be generated and landfilled by the WPES and EEC and the potential cumulative impacts of these wastes must be evaluated.

G2-44 |

ii) Failure to adequately analyze ground water cumulative impacts

G2-45 | The DEIS also notes, but fails to quantify the cumulative impacts to ground water resources as a result of pumping ground water by the WPES and the EEC Lages Station ground water center. The DEIS notes that each facility will dry up local springs and the cumulative impacts may be worse. The DEIS must prepare a quantitative assessment of the cumulative impacts to ground water resources as a result of these two facilities.

BLM must consider the incremental impact of granting of the right-of-way in the context of relevant circumstances. See United States DOT v. Public Citizen, 541 U.S. 752, 770-71 (2004) (holding that under NEPA, agency has a responsibility to consider effects over which it has authority); Northwest Env'tl. Advocates v. National Marine Fisheries Serv., 460 F.3d 1125, 1133 (9th Cir. 2006) (EIS "must 'catalogue adequately past projects in the area' and provide a 'useful analysis of the cumulative impact of past, present, and future projects.'") (quoting City of Carmel-by-the-Sea v. United States DOT, 123 F.3d 1142, 1160 (9th Cir. 1997)).

G2-46 | The DEIS fails to account for the long-term cumulative effects of WPES's exacerbation of the over-commitment of groundwater rights in the basin. In Section 3.4.2.8 the DEIS notes that water rights for the 5000 acre feet that would be pumped by WPES were granted in 1983, before the basin's resources were overcommitted. Given the

G2-42 Additional information on cumulative impacts has been added to Section 4.19.3.6.1, *Air Quality*, of this FEIS. This comment raises two separate issues: (1) acid deposition in streams and springs and the resulting impacts to cave systems and aquatic ecosystems, and (2) acid deposition in lakes and the resulting impacts to aquatic ecosystems. These issues are addressed in turn below:

- Streams and springs are expected to be less acid-sensitive than high-elevation lakes because of the turbulent flow conditions in streams and springs and the associated higher rates of mass transfer between alkaline soil/rock types and the water. Therefore, because the White Pine Energy Station is not expected to cause or contribute to any adverse effects to high-elevation lakes (see the response to comment G2-41), no adverse effects would be expected for streams, springs, or caves. This is consistent with comments from the National Park Service on the draft PSD Air Permit for the White Pine Energy Station, which only identified high elevation lakes as the aquatic ecosystems of concern for acidification effects.
- The White Pine Energy Station is not expected to cause or contribute to any adverse effects to lakes (including high-elevation lakes) in Great Basin National Park. See the response to Comment G2-41.

G2-43 All of the resource areas analyzed in Sections 4.2 through 4.18 of this FEIS are analyzed in Section 4.19, *Cumulative Impacts*, of this FEIS, including surface water resources, Wilderness, and solid and hazardous wastes. If no cumulative impacts are anticipated for a particular resource, the rationale for that conclusion is explained in the cumulative impacts analysis for that resource rather than excluding that resource from further discussion earlier in the cumulative impacts section, as was done in the DEIS.

Regarding acid deposition effects on surface water resources and Wilderness, these issues are addressed in detail in Appendix L (*Cumulative Analysis for Air Quality*) and in Section 4.19.3.6.1, *Air Quality*, of this FEIS. In brief, results of the cumulative analyses presented in Appendix L and in Section 4.19.3.6.1 are applicable to the referenced surface waters and Wilderness and demonstrate that predicted air pollutant concentrations and acid deposition levels would be within the applicable standards and would not be expected to result in adverse effects.

Regarding solid and hazardous wastes, neither the White Pine Energy Station nor the Ely Energy Center would be permitted to dispose of hazardous waste onsite. Solid wastes, which include coal combustion byproducts, would be stored at each site at each facility, and industrial solid waste permits for each site would require the use of synthetic liners to prevent impacts to ground water, along with ground water monitoring plans to ensure that ground water quality is maintained on a continuing basis.

G2-44 See the response to Comment G2-43 regarding solid and hazardous wastes.

G2-45 See the responses to Comments G1-23 and G1-24.

G2-46 The water rights that would be used for the White Pine Energy Station would not exacerbate the over-commitment of ground water rights in the basin. The water rights available for Station use are currently 17,000 acre-feet per year of existing permitted rights held by White Pine County; however, the Station would only use a maximum of approximately 5,000 acre-feet per year. In February 2004, White Pine County entered into an agreement granting WPEA the exclusive right to use these water rights for development and operation of the White Pine Energy Station (see Appendix B, *Water Rights Agreement*, in this FEIS).

Therefore, because the ground water rights in the Steptoe Basin are technically "over committed" by 8,531 acre-feet per year, the basin should remain "under committed" by 3,469 acre-feet per year (difference between 12,000 and 8,531 acre-feet per year) because the Station would not exceed pumping 5,000 of the 17,000 acre-feet potentially available to the project. Therefore, the cumulative amount of ground water pumped including that for the White Pine Energy Station would not reach the total commitment of ground water rights in the basin. Also see the response to Comment G2-36.

G2-47 | probable growth in the area, there will be conflicts when other water rights are exercised, and WPES will likely be the highest single user of water in the Valley. BLM has a regulatory role in the management of federal lands and water rights in the Valley, and must, pursuant to NEPA regulations at 40 C.F.R. § 1508.8(b), examine how the incremental impact of WPES within the context of the over-commitment of water rights and connected impacts on the region's land use and growth rates. The DEIS fails to catalogue how WPES would impact future BLM projects given the over-commitment of groundwater rights in the area.

iii) Failure to adequately analyze wildlife and fisheries cumulative impacts

G-48 | The DEIS qualitatively notes significant cumulative impacts to fisheries as a result of drying up springs and water resources (DEIS at p. 4-267) However, there is no quantitative assessment of these impacts. Thus, it is impossible to determine whether such impacts are unacceptable. Moreover, the DEIS fails to consider impacts to fisheries as a result of acid-rain forming emissions from the WPES, EEC, and/or Toquop power plants. The BLM must conduct a quantitative analysis of these impacts and clearly present its findings in a re-issued DEIS.

G2-49 | The DEIS also fails to quantify the cumulative impacts to threatened and endangered species (DEIS at 4-267). The DEIS also fails to consider fatalities of threatened and endangered species as a result of increase traffic on roads and rail lines. The BLM must conduct a quantitative analysis of these impacts and clearly present its findings in a re-issued DEIS.

iv) Failure to adequately analyze cumulative air impacts

G2-50 | The DEIS states that BLM is unable to perform a quantitative analysis of potential cumulative impacts because of incomplete or unavailable information (DEIS, p. 4-2 & 4-3). More specifically, the DEIS states BLM is unable to quantitatively assess the cumulative impacts of the proposed Ely Energy Center and the Toquop power plants because no air permit applications have been filed for these facilities. This is incorrect. According to the files of Nevada Division of Environmental Protection, the Ely Energy Center permit to construct application was submitted to NDEP on November 15, 2006 and the Toquop power plant application to construct was submitted on February 12, 2007.⁶⁶ It is apparent that the BLM failed to perform an adequate investigation into the status of these facilities. Accordingly, the necessary information is complete and available to fully and quantitatively assess the cumulative impacts of these proposed power plants. It is vital that a complete analysis is conducted since both plants are in Nevada and the Ely plant will be located just a few miles from the proposed WPES. In fact, the DEIS later acknowledges that sufficient information is available to determining the cumulative impacts of these projects (DEIS p. 4-259).

⁶⁶ See, NDEP Toquop letter dated March 21, 2007 (attached hereto) and NDEP EEC letter dated December 6, 2006 (attached hereto).

- G2-47** See the responses to Comments G2-36 and G2-46 regarding the commitment of ground water rights in the area. These analyses show the White Pine Energy Station would not be expected to impact future BLM projects.
- G2-48** The DEIS and this FEIS quantitatively address the number and types of springs that may be impacted by ground water pumping. The water resources section also describes the acre-feet that would be required to run the plant annually. The DEIS and this FEIS use a maximum drawdown scenario to address potential impacts to springs and ground water resources. See the responses to Comments G1-6, G2-33a, and G2-33b for detailed discussions of these subjects.

A monitoring and mitigation program for potential impacts to ground water and springs is presented in Appendix G of this FEIS. The monitoring plan will be in place to ensure that drawdown impacts to these springs and associated aquatic resources are avoided. See the response to Comment G2-34 for further discussion of this program.

No relict dace populations were found in the springs within the cone of depression. The hydrology model (discussed in Section 4.3, *Surface Water Resources*, of the DEIS and this FEIS) shows that the project would have no impacts to Duck Creek and other surface waters that would provide habitat for fisheries. Also see the response to Comment G1-6.

Regarding potential acid deposition impacts to fisheries, based on the deposition analysis summarized in FEIS Section 4.19.3.6.1 and documented in FEIS Appendix L, *Cumulative Analysis for Air Quality*, of this FEIS, the White Pine Energy Station would not be expected to cause or contribute to any adverse acidification effects to the potentially-sensitive areas identified by the various commenters, including Great Basin National Park, Ruby Lake National Wildlife Refuge, Zion National Park, or Jarbidge Wilderness Area. Because acidification impacts are not predicted for these potentially sensitive areas, no impacts are reasonably anticipated for fisheries located in other areas.

- G2-49** The DEIS and Biological Assessment for the White Pine energy Station used trend data for the bald eagle from 1995 to 2007. These data included all information available regarding bald eagle occurrence in the project area, including the Triennial Bald Eagle Winter Survey data obtained from Nevada Department of Wildlife (NDOW) for the years 1995, 1998, 2001, 2004, and 2007. This information allowed quantification of the number of bald eagles that may occur in or within close proximity to the project area. The bald eagle has because been de-listed and NDOW is responsible for bald eagle management. Chapter 3 of this FEIS includes updated information on the recent delisting of the bald eagle from the Endangered Species List.

The DEIS and Biological Assessment completed for the project analyzed all potential project-related impacts to bald eagles. The U.S. Fish and Wildlife Service (FWS) concurred with the assessment and determination of effect presented in the Biological Assessment and agreed that critical habitat for this species does not occur in the project area. Foraging habitat for the bald eagle occurs primarily at Bassett Lake. Necessary conservation measures for this species agreed to by WPEA, the BLM, and NDOW are described in this FEIS. Based on the recent de-listing of the bald eagle, consultation with the FWS is no longer required.

- G2-50** Additional information on the air quality cumulative impacts analysis has been provided in Section 4.19.3.6.1, *Air Quality*, and Appendix L, *Cumulative Analysis for Air Quality*, of this FEIS. The Ely Energy Center and the Toquop facility (as well as other existing and proposed facilities) are included in the air quality cumulative impacts analysis presented in this FEIS. As shown in these analyses, the White Pine Energy Station is not expected to cause or contribute to any exceedance of an applicable air quality standard or result in adverse effects.

G2-51

The DEIS fails to adequately analyze the cumulative air impacts of the connected actions. For example, the cumulative air impact analysis completely fails to consider the impacts to visibility, nitrogen deposition, and acid-rain. These cumulative impacts must be quantitatively analyzed. More specifically, the DEIS must quantify the cumulative impact on visibility to Zion, Bryce, Capitol Reef and Grand Canyon National Parks as a result of all proposed coal plants in the region, including WPES, EEC, IPP3, Newmont, Toquop, Nevco, and Desert Rock. The combination of these plants are likely to have significant adverse impact to visibility in all or most of these Class I areas. As such, the cumulative impacts must be quantified and presented in the DEIS. Moreover, the dispersion modeling for WPES reveals unacceptable acid deposition and visibility impacts to Jarbridge Wilderness Area, Ruby Lake National Wildlife Refuge, and Great Basin National Park. As such, the cumulative impacts of the above-mentioned proposed coal plants must be analyzed and quantified for these areas as well.

G2-52

The DEIS fails to analyze the cumulative impacts of CO2 emissions by the WPES. More specifically, the DEIS fails to analyze the proposed CO2 emission of other proposed power plant, such as the IPP 3 plant, Newmont Gold plant, Toquop plant, Desert Rock plant, or the Ely Energy Center and their cumulative impact on global warming. The Department of Interior ("DOI") is simultaneously conducting a DEIS for the Toquop Plant, the Desert Rock plant, and the Bonanza plant in Utah. In fact, the Ely Office of the BLM is the lead agency for the Toquop project. The Desert Rock plant (1,500MW) and the WPES are two of the largest proposed coal plants in the west, while the Toquop Project is significant also (750MW). Despite this fact, the WPES DEIS fails to consider the cumulative impact of CO2 emissions from these plants. Moreover, the DEIS also fails to consider the cumulative emissions of CO2 from the Southwest Intertie project, the NNRR upgrade, the NNRR operations, and the White Pine County airport expansion. As such, the DOI has failed to assess the cumulative impacts of its actions on global warming.

For the reasons stated above, the BLM failed to take a "hard look" at CO2 emissions, their human and environmental impact, measures to mitigate these impacts, and alternatives for satisfying the electrical needs of the area without emitting CO2. As such, the project proposed alternative should either be rejected or the DEIS should be reissued after a complete analysis of these issues.

G2-53

The DEIS completely fails to analyze the cumulative impact of mercury emissions in northeastern Nevada. Northeastern Nevada, according to the US EPA Toxic Release Inventory is one of the nation's primary hotspots for mercury emissions to the air. The precious metal mines in the area release vast amounts of mercury to the air. The BLM is very aware of these emissions, and the failure to analyze the cumulative impact of the Proposed Project in light of these current emissions is a glaring omission.

The release of mercury to the atmosphere in northern Nevada from mining operations, coal burning power plants, as well as natural sources such as wildfires must be analyzed. The recent release of fish consumption advisories for some waters within the Humboldt River system by the Nevada Division of Health, as well as the many

G2-51 Additional information on the air quality cumulative impacts analysis has been provided in Section 4.19.3.6.1, *Air Quality*, and Appendix L, *Cumulative Analysis for Air Quality*, of this FEIS. The air quality cumulative impacts analysis includes the various coal-fired power plants proposed for the area, including the White Pine Energy Station, the Ely Energy Center, Toquop, Newmont, IPP3, and Nevco-Sevier. The analysis shows that the White Pine Energy Station is not expected to cause or contribute to any exceedance of an applicable air quality standard or result in adverse effects.

Bryce Canyon, Capitol Reef, and Grand Canyon are all located more than 300 km away from the White Pine Energy Station power plant site. Therefore, it would not be appropriate under EPA guidance (see 40 CFR Part 51 Appendix W) or National Park Service guidance (see FLAG, 2000) to estimate impacts at these locations because of the distance from the White Pine Energy Station site, and these locations are not included in the cumulative evaluation. Similarly, the proposed Desert Rock facility is located more than 300 km away from any of the areas evaluated in the air quality cumulative impacts analysis for the White Pine Energy Station; therefore, this source is not included in the air quality cumulative evaluation for consistency with EPA and National Park Service guidance.

G2-52 Additional text was added to Section 4.19.3.6.1, *Air Quality*, and Appendix L, *Cumulative Analysis for Air Quality*, of this FEIS that discusses the cumulative impacts from carbon dioxide emissions. Although it is possible to generally estimate a project's incremental contribution of carbon dioxide into the atmosphere, it is typically not possible to determine whether or how an individual project's relatively small incremental contribution might translate into physical effects on the environment. Further, carbon dioxide emissions from the Southwest Intertie Project, the NNR upgrade, the NNR operations, and White Pine County Airport expansion would be negligible in comparison to the annual carbon dioxide emissions from the pulverized coal-fired boilers and are therefore not quantified in this FEIS.

For additional discussion of greenhouse gases and climate change, see the response to Comment G1-8. For information on carbon dioxide reduction, see the response to Comment G1-34.

G2-53 Detailed analyses (including cumulative analyses) of mercury emissions, mercury deposition, and methylmercury in aquatic ecosystems have been added to this FEIS. See the response to Comment G1-2 for a summary of the new information.

similar fish (and waterfowl) consumption advisories released by the states of Idaho and Utah, demonstrate the need for such a study. According to the 2005 Toxic Release Inventory data, metal mines in the study area account for over 95% of mercury released into the atmosphere in Nevada, and Nevada is the eighth largest emitter of mercury in the U.S.⁶⁷

For the analysis of mercury emissions, the BLM should study the air shed of Nevada and Utah. Since it is argued that mercury transport is local, regional, and global in nature, a narrow cumulative impact study area is inappropriate. The study of impacts should include the likely local and regional impacts, and not be limited to those impacts felt only within the study area itself (the downwind states of Idaho and Utah must be included in the impacts analysis).

The analysis of mercury emissions must include:

- all thermal units at existing, likely or proposed metal mines within Nevada
- all existing, proposed and likely coal fired power plants within Nevada and Utah
- all existing, proposed and likely limestone or cement kilns within Nevada and Utah
- all heaps, tailings facilities, waste rock dumps, and other likely sources of appreciable mercury emissions
- wildfire and other likely natural sources to which anthropogenic sources are additional load
- all other sources, which the BLM determines, may be appreciable sources within the study area.

Since the issue of mercury emissions from precious metal mines in the state has only recently come to light, and that prior to 2000 there was little knowledge of or control of mercury emissions, the BLM must include an analysis of the total mercury released by modern precious metal mines within the study area. This analysis is important to determine the load of mercury that has in recent time been released, and a portion of which has been deposited, within the study area. Due to the conservative behavior of mercury once within a waterway, and the nature of bioaccumulation, it is important to determine the extent of the threat to Nevada's waters.

v) Failure to adequately analyze biological cumulative impacts

The DEIS fails to consider the cumulative impacts on vegetation caused by emissions of NOx and other pollutants from the proposed power plants. It has been well documented that Nox and/or ground level ozone has adverse impacts to vegetation.⁶⁸ Thus, the BLM must perform a quantitative assessment of the cumulative impacts caused by air pollution on vegetation.

vi) Failure to adequately analyze recreational resource cumulative impacts

⁶⁷ <http://www.epa.gov/triexplorer/>

⁶⁸ National Park Service Comments on the White Pine Energy Associates Power Plant Prevention of Significant Deterioration Permit Application January 31, 2007, p. 7 (attached hereto).

G2-54 See the response to Comment G2-53.

G2-55 Additional text has been added to Section 3.6.1.1, *Background Data*, of this FEIS that defines the Primary and Secondary National Ambient Air Quality Standards (NAAQS) as being protective of public health, including the health of "sensitive" populations and protective of public welfare, including protection against decreased visibility, damage to animals, crops, vegetation, and buildings.

Also, additional information has been added to Section 4.19.3.6.1, *Air Quality*, of this FEIS that discusses the cumulative impacts on air quality. The results of this analysis show that adverse effects to vegetation associated with NO_x or ground level ozone are not expected (see discussion of *Cumulative Sulfur and Nitrogen Deposition Analysis* in Section 4.19.3.6.1).

G2-56 The DEIS fails to adequately consider the cumulative impacts of the loss of recreational resources caused by the development of WPES, EEC, and the Egan Ranger Wind Generating Project. (DEIS at p. 4-271). The DEIS fails to quantify the loss of recreational area, fails to consider whether similar recreational values on the impacted land are found elsewhere in the vicinity, and fails to analyze impact to recreation as a result of the loss of surface waters and springs. Thus, the BLM must perform a quantitative assessment of the cumulative impacts to recreational resources.

vii) Failure to adequately analyze socioeconomic cumulative impacts

G2-57 The DEIS only considers so-called "economic benefits" from development of 2 new coal plants in the Steptoe Valley. The DEIS fails to consider adverse socioeconomic impacts caused by the WPES and EEC. (DEIS at p. 4-272). For example, the DEIS fails to consider the impact to the local economy, such as lost fishing opportunities caused by loss of springs and surface waters. The DEIS also fails to consider the impact to the local economy as a result of adverse impacts to fisheries caused by air pollutants, such as acid rain and mercury.

The DEIS also fails to consider the reduction of snow pack and earlier spring run off caused by emission of global warming pollution by the WPES and EEC.

The DEIS also fails to consider adverse economic impacts to human health as a result of emission of massive quantities of air pollutants from the WPES and EEC. For example, the DEIS fails to consider the cumulative impacts to economics resulting from lost work days, medical visits, and premature death as a result of the air pollutants emitted from the related coal plants.

viii) Failure to adequately analyze unavoidable impacts

G2-58 The DEIS incorrectly states that there will not be any unavoidable impacts to surface waters (DEIS at 4-275) as result of the WPES. As noted above, this ignores the impacts resulting from acid-rain generating pollutants (acidification), nitrogen deposition (algae blooms), and mercury emissions (a bio-persistent and bio-accumulative pollutant). The DEIS should be re-issued after providing a complete quantitative analysis of these pollutants on surface waters.

G2-59 The DEIS states without citing to any authority that WPES "will modify their pumping strategy in the well field to mitigate the potential for impacts" to ground water resources (DEIS at p. 4-275). The BLM fails to point to any enforceable contract or mechanism to ensure this mitigation measure takes place. The BLM should require a written enforceable contract from WPES and such instrument should be included in the administrative record and subject to public review and comment.

The DEIS also summarily states that "the proposed Station...would not impact ground water quality" (DEIS 4-275). The WPES will involve disposal of enormous quantities of coal combustion waste products—fly ash, bottom ash, economizer ash,

G2-56 The cumulative impacts of the potential loss of recreational resources that could be associated with the White Pine Energy Station or one of the other eleven projects analyzed in the cumulative impacts analysis were considered from a qualitative perspective in the DEIS. From a visual perspective, all the projects analyzed have features that are large and are likely to be visible from various points within Steptoe Valley. This could have a cumulative impact on the experiences of those seeking an area with little obvious improvement or change by humans. It is also possible that expansion of existing facilities, such as Basset Lake, could improve other types of recreational experiences.

The DEIS also examined the difference between temporary and permanent workforces. Project area recreational resources were determined to be capable of accommodating the recreation demand associated with the construction and operation of the White Pine Energy Station. It is possible as a group, especially with any significant overlap in the timing of construction periods among cumulative projects like the Ely Energy Center with the White Pine Energy Station, that influx of temporary workforces would increase pressure on existing recreational resources in the Ely area. The numerous Wilderness areas could prove to be attractive to those looking for a recreational opportunity slightly further afield. Additional information on the cumulative projects that were considered in the cumulative analysis of each of the resources analyzed is available in Section 4.19, *Cumulative Impacts*, of this FEIS.

The DEIS examined the effects of water needs of the action alternatives, including the effects on and relationship among surface water, springs, and ground water. Modeling of a 40-year ground water pumping program at a continuous rate of 387 gallons per minute at each of the eight wells in the Proposed Action well field (maximum drawdown scenario) would result in a drawdown of no more than approximately 10 feet within a radius of 1 mile from the representative production wells. This decline is within the range of historical ground water fluctuation observed in wells within Steptoe Valley (See page 4-13 in the DEIS). The analysis also concludes that under the Proposed Action, pumping ground water from basin-fill aquifers in Steptoe Valley could result in localized ground water level declines between 2 and 6 feet in 12 nearby areas where springs are present on the floor of Steptoe Valley. While there may be some ground water level declines in the vicinity of some springs, it is the nature of the springs that will determine whether the springs could potentially be impacted, and potentially adverse impacts would be avoided in accordance with the ground water monitoring program documented in Appendix G. No adverse effects on springs from ground water withdrawals were identified for Alternative 1.

The DEIS also examined potential project effects on streams and creeks. Even though Duck Creek is a losing stream, ground water pumping would not adversely affect the flow in the creek because it is fed by runoff from precipitation or snowmelt. Under the Proposed Action, there would be no adverse impact anticipated for ground water and no adverse effects to streams or creeks. The proposed ground water monitoring, mitigation, and reporting program must meet the requirements of the Office of the Nevada State Engineer (details on the program are found in Appendix G of this FEIS). Analysis of modeling results indicates there would be no loss of the springs or surface water aspects of recreational resources. Also see the response to Comment G1-6 for further detail on hydrologic effects and the ground water monitoring and mitigation program.

See the response to Comment G2-29.

G2-57 Adverse cumulative socioeconomic effects related to public services and fiscal resources are addressed in Section 4.19.3.17, *Socioeconomics*, of this FEIS. Text revisions and additions presented in Section 4.19.3.17 address additional potential cumulative effects related to the issues raised in this comment and are discussed below.

Cumulative economic benefits described in Section 4.19.3.17 would likely occur in White Pine County and in those areas where, and if, the White Pine Energy Station (Station) and other projects

considered in the cumulative impact analysis are approved and implemented. Much more uncertainty surrounds some potential adverse and cumulative socioeconomic effects the Station and Ely Energy Center may or may not contribute to. While such effects are too speculative to discuss in much detail, they could occur and are described below. If they do occur, their negative contributions to the regional economy would be minor in magnitude relative to the magnitude of the positive cumulative economic benefits described in Section 4.19.3.17, *Socioeconomics*.

The Station is not expected to result in adverse effects because of acid or mercury deposition in the streams or lakes of nearby mountains (see discussions in Section 4.6.1.3, *Proposed Action Operation Impacts*, in the Air Quality Section of this FEIS). Similarly, the cumulative air quality impact analysis for emissions from the proposed Ely Energy Center and other sources in the region combined with the Station are also not expected to cause adverse air quality effects (see Section 4.19.3.6.1, *Air Quality*, in this FEIS). Although not expected to occur, and presented here only as an example, if cumulative acid or mercury deposition effects were to occur and were significant enough to cause a reduction in game fish populations, related fishing opportunities could diminish and fewer visitors may come to the region. This could lead to a reduction in spending by recreationists and associated decreases in income for the businesses and employees that benefit from such spending. In turn, these effects would reduce local and state agency tax revenues.

The Station by itself, or with cumulative effects from the Ely Energy Center and other existing and reasonably foreseeable future sources in the region, is not expected to cause adverse air quality-related effects in nearby communities (see Sections 4.6.1.3 and 4.19.3.6.1 of this FEIS). Another type of potential cumulative socioeconomic effect that could be related to the Station involves those negative and positive economic effects associated with climate change. However, air quality analyses presented in this FEIS show that the Station would not contribute enough greenhouse gases to influence climate change. The global social cost of carbon dioxide (the major greenhouse gas) on climate change has been estimated as \$12 per ton of carbon dioxide emitted. This is discussed in greater detail in Section 4.19.3.6.2, *Climate Change*, of this FEIS.

- G2-58** Additional information on sulfur, nitrogen, and mercury deposition has been added to the air quality cumulative impacts analysis in Section 4.19.3.6.1, *Air Quality*, of this FEIS. This analysis shows that sulfur and nitrogen deposition are not expected to create any adverse effects to surface waters, including acidification or algal blooms. Regarding mercury emissions, analyses of mercury emissions, deposition, and bioaccumulation have been added to this FEIS Section 4.6.1.1.6 (see the response to Comment G1-2 for additional information). Based on these mercury analyses, the estimated upper bounds for increases in air concentration and bioaccumulation rates are not expected to create adverse effects.
- G2-59** If the BLM selects either the Proposed Action or Alternative 1 for implementation, the Record of Decision prepared by the BLM for the project will contain all commitments that the BLM will require of WPEA for constructing, operating, and maintaining the White Pine Energy Station. The BLM will bind the Applicant (WPEA) to mitigation requirements as a condition of any Station-related rights-of-way (ROWs) granted with the Record of Decision. The proposed ground water monitoring and mitigation program (see Appendix G) is required by, and subject to approval by, the Nevada State Engineer and would be implemented under either the Proposed Action or Alternative 1 prior to project start-up. This program has been included as a component of the proposed project in Chapter 2 of this FEIS and has been augmented from that presented in the DEIS.

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G2-60 scrubber byproducts, coal rejects, and industrial wastes. (DEIS at p. 2-15). The DEIS states that the disposal facility would cover up to 200 acres and be 100 feet tall by the end of the Station life. The DEIS refers to the "Operations Plan, Closure Plan, and Post-Closure Plan (SRK Consulting 2006b)" for technical specifications for design and operation of the disposal facility but does not include this document as an appendix to the DEIS. Consequently, the DEIS contains no specifics on the design or operation of the disposal facility. Coal combustion waste typically includes heavy metals and dioxin/furans. Coal plant waste disposal pits have been known to contaminate ground water.⁶⁹ There is no data regarding the extent of ground water contamination likely to be caused by land filling of coal plant waste, whether there are any public or private drinking water wells that might be impacted by the power plant waste, and any human health risk assessment associated with this activity. The potential for contamination of ground water by the Station, as well as by the EEC must be fully evaluated and the impacts fully quantified.

The DEIS fails to adequately analyze impacts on Steptoe Valley groundwater caused by WPES's drawdown of water levels. Although Section 4.20.3 of the DEIS states that WPES will not result in a substantial decline in groundwater levels or depletion of resources in the Steptoe Valley, data presented in Section 4.4.1.1 and Figure 3-4-3 do not support the assertion.

G2-61 For example, the DEIS asserts the projected decline of no more than 10 feet within a 1 mile radius of each well is within historical limits. Several data points contradict the assertion. First, data provided in Figure 3-4-3 shows that a drawdown of 10 feet would be at or beyond the largest fluctuation in water levels for many wells in Steptoe Valley. Second, since the data from the wells closest to those proposed for the WPES sites show fluctuations less than that expected from the WPES pumping, the effect on the water table from the eight WPES wells cannot be predicted based on the data provided. Third, much well data is out-of-date; only two wells' data are from within the last ten years and those wells are some of the furthest from site of the Proposed Action.

In sum, it is insufficient to say that the projected use is within historical limits when the real effect is unknown and the data provided is old, inconclusive, or contradictory. The wells' likely impact on area groundwater levels requires much more rigorous analysis.

⁶⁹ <http://www.earthjustice.org/news/press/007/cancer-coals-hidden-cost.html>. See also, U.S. Environmental Protection Agency, "Damage Case Assessment under RCRA for Fossil Fuel Combustion Wastes," dated August 2006 (attached hereto); F. Sanchez, Keeny, R., Kosson, D., Delapp, R., Thorneloe, S. *Characterization of Mercury-Enriched Coal Combustion Residues from Electric Utilities Using Enhanced Sorbents for Mercury Control*, EPA/600/R-06/008, January 2006 (attached hereto); Evans, Lisa, Clean Air Task Force. "Cases of Damage from Mismanagement of Fossil Fuel Combustion Waste, October 2005." 2005 (attached hereto); U.S. Environmental Protection Agency. "Regulatory Determination on Wastes from the Combustion of Fossil Fuels," 70 Fed. Reg. 32214, May 22, 2000 (attached hereto) in which EPA acknowledged in its Regulatory Determination that "coal combustion wastes could pose risks to human health and the environment if not properly managed" and "national regulations under subtitle D of RCRA are warranted for coal combustion wastes when they are disposed in landfills or surface impoundments."

G2-60 The "Operations Plan, Closure Plan, and Post-Closure Plan (SRK Consulting 2006b)" refers to materials submitted by WPEA to the NDEP's Bureau of Waste Management as part of the permit application for the onsite solid waste disposal facility. The specifics of the design and operation of the disposal facility have been included in this FEIS (Section 2.2.3.1.4, *Solid Waste Disposal*), as requested. In brief, the Class III industrial solid waste permit for the White Pine Energy Station will require the disposal facility to include a synthetic liner to minimize the potential for ground water impacts. In addition, the onsite solid waste disposal facility will contain a leachate collection and control system and a surface water runoff management system with a sediment retention basin to prevent the release of contaminants to the environment, including ground water and offsite surface waters such as Duck Creek. The permit also will require quarterly ground water monitoring upgradient and downgradient of the disposal facility to ensure water quality will be maintained on a continuing basis. Corrective actions are required in the event that statistically significant changes in ground water chemistry occur. Therefore, no impacts to ground water quality are expected.

Although hazardous waste will not be stored at the solid waste disposal area, the potential effects of project-related solid and hazardous wastes on the environment were evaluated and results are presented in Section 4.12, *Wastes, Hazardous and Solid*, of the DEIS and this FEIS. Sixteen Best Management Practices (Appendix C), contained in the Hazardous Material Storage, Handling, and Disposal and Safety Measures Section, provide detail on environmental protection measures. Locally, White Pine County's 2006 Solid Waste Landfill Management Plan has been approved by the NDEP and considers the proposed White Pine Energy Station.

G2-61 The results of the analysis of potential ground water level decline presented in Section 4.4.1.1, *Decline of Ground Water Levels and Depletion of Ground Water Resources*, of the DEIS and this FEIS indicate that the maximum water level decline of 10 feet is limited to a radius of 1 mile from each of the production wells for the Proposed Action. This amount of decline is greater than the fluctuations in ground water levels reported in Figure 3.4-3. However, this amount of ground water level decline does not represent a significant environmental impact because within the area where this maximum ground water level decline would occur, there are no springs, surface water features, or other permitted wells that could be affected by a decline in ground water level.

The ground water level data presented in the DEIS and this FEIS are the most recent data available. The analysis of potential impacts to ground water levels focuses on the amount of change in water level that would be caused by the Proposed Action or Alternative 1. The analysis of potential ground water level decline presented in Appendix Q of the DEIS and Section 4.4.1.1 is not based on the data presented in Figure 3.4-3.

ix) Failure to consider mitigation measures

NEPA requires the BLM to fully assess all environmental impacts of a project and either mitigate those impacts or explain why mitigation is unwarranted. More specifically, 40 C.F.R. § 1508.20 states that mitigation measures are to include: avoiding the impact altogether by not taking certain actions; minimizing impacts by limiting the magnitude of the action; and, reducing or eliminating the impact over the life of the action.

G2-62a The DEIS fails to adequately analyze mitigation measures to reduce or eliminate CO2 emissions from the WPES, such as carbon capture and storage.⁷⁰ The National Park Service suggested that WPES consider utilizing IGCC that would allow for economical carbon capture.⁷¹ The DEIS also fails to consider whether carbon storage or management is available at or near the WPES facility.

G2-62b The BLM failed to adequately consider mitigation measures that do not emit CO2, such as energy efficiency, energy conservation, and renewable resources such as solar, wind and geothermal energy.

G2-62c In addition, visibility impacts at Class I areas and Great Basin National Park are significant. The BLM failed to evaluate mitigation options to avoid or minimize visibility impacts.

V. Consultation and Coordination (DEIS Chapter 5)

The BLM should consult with the agencies with specific expertise on global climate change with regard to the impacts and implications of the WPES. More specifically, Section 102(c) of NEPA states that “prior to making any detailed statement, the responsible federal official shall consult with and obtain the comments of any Federal agencies which has jurisdiction by law or special expertise with respect to any environmental impact involved.” The term “special expertise” is defined in 40 C.F.R. 1508.26 as “statutory responsibility, agency mission, or related program experience”. There is no evidence in the record that the BLM consulted with the agencies with the greatest expertise on global warming impacts—namely, the National Oceanic and Atmospheric Administration or National Aeronautic and Space Administration. There is no evidence in the record that either of the agencies were consulted with regard to the global warming impacts of the WPES. *See*, DEIS page 5-2. Moreover, there is no evidence in the record that BLM consulted with Fish and Wildlife Service or National Marine Fisheries Administration regarding impacts to animals and habitat as a result of WPES’s release of global warming pollution. The BLM should not issue the Final EIS

⁷⁰ Intergovernmental Panel on Climate Change (IPCC), 2005. *Special Report on Carbon Dioxide Capture and Storage (Technical Summary)*. Available at http://arch.rivm.nl/env/int/ipcc/pages_media/SRCCS-final/IPCCSpecialReportonCarbondioxideCaptureandStorage.htm.

⁷¹ National Park Service Comments on the White Pine Energy Associates Power Plant Prevention of Significant Deterioration Permit Application January 31, 2007, p. 7 (attached hereto).

G2-62a Potential measures for future reduction of greenhouse gas emissions (carbon dioxide) are discussed in modifications to Sections 2.5.4, *Air Pollution Control Technologies*, and 2.2.3.1.2, *Land Set-Aside for Future Carbon Capture Technology*, of this FEIS and in Appendix E, (*Carbon Capture and Sequestration*), Appendix D (*Evaluation of Alternative Control Strategies*), and Appendix H (*Alternative Coal-Fueled Generating Technologies*) of this FEIS. WPEA has committed to reserving approximately 7 acres of land per pulverized coal-fired boiler for installing carbon capture equipment when the technology becomes commercially viable as determined through a memorandum of understanding with the NDEP (see Appendix F of this FEIS). Additionally, WPEA has committed to designing the facility such that ducting can be constructed to divert the pulverized coal-fired boiler exhaust gas to the carbon capture system and sequestration equipment. These commitments are stated in Chapter 2 of this FEIS (see Section 2.2.3.1.2) describing the Proposed Action and Alternative 1. WPEA will minimize the generation of carbon dioxide emissions by utilizing efficient supercritical pulverized coal-fired boiler technology.

See the response to Comment G1-34 regarding carbon dioxide mitigation.

G2-62b Although the DEIS did not discuss energy efficiency, energy conservation, and renewable resources specifically as mitigation measures for carbon dioxide, these measures were considered as potential alternatives to the proposed pulverized coal-fired plant (see Section 2.5, *Alternatives Considered but Eliminated from Detailed Evaluation*, of the DEIS and this FEIS). Energy conservation/efficiency is not a viable substitute for the White Pine Energy Station because new baseload generation capacity would still be needed, even when conservation and efficiency measures are taken into account (see the responses to Comments F1-1 and F1-10 from the EPA). Renewable resources, such as solar, wind, and geothermal are not considered reasonable alternatives for meeting the purpose and need for the project and were therefore not carried forward for detailed evaluation (see the response to Comment G1-28 regarding alternative power generating technologies).

G2-62c There are no quantitative regulatory limits for visibility impacts at Class I or Class II areas. Visibility impacts at Class I areas (Jarvisburg Wilderness Area and Zion National Park) were reviewed by the Federal Land Managers for these areas during the PSD air permitting process. Because no adverse impacts would result at either Class I area, no mitigation measures for Class I visibility are required. The modeling analyses for the White Pine Energy Station demonstrate that the Station would not cause or contribute to any violations of the air quality standards set to protect against decreased visibility (that is, the NAAQS); thus, no mitigation measures for visibility at Great Basin National Park are required.

Discussions of climate change have been added to Chapters 3 and 4 of this FEIS. Additionally, Appendix M (*Understanding and Evaluating Climate Change*) has been added to this FEIS. These climate change evaluations include information from multiple agencies with specific expertise on global climate change, including the IPCC. See the response to Comment G1-8 for additional discussion of the climate change evaluations included in this FEIS.

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without undergoing the required consultation with these agencies regarding the global warming impacts of the WPES. The results of any such consultation should be made public prior to re-issuance of the DEIS.

G2-63

There is no evidence in the record that BLM consulted with The U.S. Department of Energy or the Nevada State Office of Energy to verify the stated purpose and need for the project. For example, there is no evidence that BLM consulted with any agency regarding the need for the power, whether any unmet power demand could be met with efficiency and conservation, or whether renewable resources could meet any power needs in a less environmentally harmful manner. Given the acknowledged significant adverse environmental impacts of the WPES, this consultation must be conducted before undertaking this project.

G2-64a

The DEIS notes (on Table 1-2) that the State Engineer will need to issue a Water Right permit and states (in Section 5.4) that the Nevada Department of Water Resources was consulted in connection with preparation of the DEIS, but fails to consider the relevant state standards for the issuance of the permit, particularly whether the use will be permitted as within the public interest given the potential long-term and irreversible impacts on the basin's groundwater levels.

G2-64b

An EIS must address state and local permitting issues and propose plans to reconcile any inconsistency with state or local plan or law. 40 C.F.R. 1506.2(d). The DEIS thus must consider standards that will be applied under state law by the Nevada State Engineer. In Pyramid Lake, the Nevada Supreme Court held that the State Engineer was empowered by the legislature in N.R.S. §533.370(3) to define the public interest by issuing guidelines considering whether a proposed use would be in the public interest. See Nev. Rev. Stat. Ann. § 533.370(3); Pyramid Lake Paiute Tribe v. Washoe County, 112 Nev. 743, 746 (Nev. 1996). These guidelines include whether the proposed use would unreasonably lower water tables based on the types of crops grown and the effect of water use on the area economy in general. Pyramid Lake, 112 Nev. at 747. The DEIS clearly states that water levels would be lowered by WPES's groundwater pumping in Section 4.4.1.1, and needs to consider whether this drawdown would be unreasonable under state law, and how the 57% of the groundwater currently used for agriculture in the basin would be affected by the issuance of a new use permit by the State Engineer.

G2-64c

Another public interest policy guideline that the State Engineer must consider is whether the "applicant has the financial capability to develop the water and place it to beneficial use." Pyramid Lake, 112 Nev. at 746. In light of the State Engineer's rejection of Duke Energy, LLC's application on this basis for a water permit in the same basin in December of 2001, the DEIS needs to consider whether the State Engineer will reject White Pine Energy Associates, LLC's application on similar grounds. State Engineer Ruling No. 5466 available at <http://water.nv.gov/>.

G2-64d

The State Engineer restricted a portion of the White Pine Basin to municipal water use only. State Engineer Order No. 754 available at <http://water.nv.gov/>. While the well sites for the Proposed Action and Alternative 1 of the WPES are not within the

G2-63 The demand for new electric generation is based on information published by both the Energy Information Administration (2007) and the Western Electricity Coordinating Council (2005). The Energy Information Administration is part of the U.S. Department of Energy. The Western Electricity Coordinating Council is a well established and credible association of 187 electric power producers, electric transmission companies, federal electric power organizations, state public utility commissions and municipalities. They estimate future demand on an ongoing basis and publish the demand estimate annually. Thus, the purpose and need for the project is consistent with published data from the Energy Information Administration/U.S. Department of Energy and other appropriate sources. Further, see the responses to Comments F1-1 and F1-10 from the EPA for further documentation for the need for baseload power.

G2-64a The "Water Right Permit - State Engineer - Nevada Department of Water Resources" that is listed in Table 1-2 of the DEIS and this FEIS refers to water rights that have already been granted by the Nevada State Engineer in 1983 following a public hearing that addressed the beneficial use of the water. In 1980, the State Engineer issued an order designating Industrial/Power Generation as the preferred use of ground water in Steptoe Basin. Following a public hearing in 1983, the Nevada State Engineer granted White Pine County the rights to withdraw up to 25,000 acre-feet per year of ground water in Steptoe Valley for industrial purposes, including power generation. The State Engineer also designated ground water in that portion of Steptoe Valley surrounding Ely and north to McGill for municipal uses and to curtail future appropriation of water for irrigation in that area. The City of Ely holds municipal water rights of 14,476 acre-feet, which the City estimates would serve a population of approximately 20,000 and be adequate for the City's long-term growth. However, the City of Ely uses less than 3,000 acre-feet of its municipal water rights to meet current needs for a population of 4,325 (White Pine County, 2007).

The White Pine County Board of County Commissioners' letter of July 11, 2007, points out that if the water rights granted to White Pine County by the State Engineer for power production are not used for that beneficial use, they could be forfeited or otherwise lost by the county. Further, any change in use by the county would require approval by the State Engineer and would be subject to protest and/or denial. It should also be noted that in response to public concerns, WPEA revised its proposed cooling system to reduce ground water annual consumption from 25,000 acre-feet to 5,000 acre-feet.

The annual demand for 5,000 acre-feet of water by either the Proposed Action or Alternative 1, together with the most recent known ground water demand by other permitted ground water users, would use less than 15,000 acre-feet of ground water. These values are only a small fraction of the annual ground water perennial yield of Steptoe Valley (70,000 acre-feet). Water rights held by White Pine County are senior to many of the other water rights in the basin, and pumping of these senior water rights (up through White Pine County power production water rights) would not exceed the perennial yield of the basin. The Nevada State Engineer would restrict pumping of water rights junior to those of White Pine County for power production if issues regarding perennial yield were to occur.

Potential impacts of the White Pine Energy Station on water resources are discussed in Section 4.3, *Surface Water Resources*, and Section 4.4, *Ground Water Resources*, of the DEIS and this FEIS. A summary of the potential impacts to these resources is presented in Table ES-2. The environmental consequences of using a portion of White Pine County's 25,000 acre-feet per year of industrial water rights (5,000 acre-feet per year is all that is needed by WPEA to operate either the Proposed Action or Alternative 1) are addressed in Section 4.4 of the DEIS and this FEIS.

G2-64b See the response to Comment G2-64a.

G2-64c See the response to Comment G2-64a.

G2-64d See the response to Comment G2-64a.

G2-64d (cont.) ↑ restricted area, the DEIS needs to consider whether the State Engineer will permit WPES's wells given their proximity to the restricted area and possible impacts on municipal use.

G2-64e The State Engineer is required to consider whether a new right or transfer will unreasonably or adversely affect existing rights. See Nev. Rev. Stat. Ann. §533.370 (5); see generally United States v. Alpine Land & Reservoir Co., 341 F.3d 1172, 1172 (9th Cir. 2003) (describing State Engineer's considerations in granting permit). In Section 4.4.1.4 the DEIS states that under the Proposed Action, five permit holders would be affected by a decline in groundwater levels of 4-8 feet, and in Section 4.4.3.4 states that under Alternative 1, two permit holders would be affected by a reduction of 2-4 feet. The DEIS needs to examine whether the State Engineer would use the broad discretion granted to him by Nevada law to find this impact on other permit-holders unreasonable. See 40 C.F.R. 1506.2.

G2-64f The DEIS also fails to consider the backlog in permit approval at the State Engineer's office, particularly for contested permits which are subject to judicial review. See generally Pyramid Lake, 112 Nev. at 751 (noting that some contested applications were filed 18 years prior). Given the effect of the drawdown of water levels on other permit-holders, it is likely that WPES's application will be contested. The DEIS needs to consider how the state approval process might impact the project. 40 C.F.R. 1506.2(d).

G2-65 The DEIS fails to consider WPES's effect on state and local planning, as required by 40 C.F.R. §1502.16(c) and 40 C.F.R. §1506.2(d). This effect needs to be comprehensively analyzed within the context of growing water needs in the Las Vegas region, and limited water supply in Nevada—BLM needs to address any inconsistency with the granting of right of way and state and local plans. Cf. Isle of Hope Historical Ass'n v. United States Army Corps of Engineers, 646 F.2d 215, 220-221 (5th Cir. 1981) (finding that EIS did not have to address inconsistencies because agency was assured by state officials that there were none). While state officials were consulted in connection with preparation of the DEIS, the DEIS does not address any inconsistency or lack thereof that may have arisen between state and local planning and the project.

VI. Conclusion

We appreciate the opportunity to provide comments on the DEIS for WPES. A review of the DEIS shows significant unpreventable environmental harm that would result from the WPES. As such, we believe that the BLM should reject the WPES and instead adopt the no action alternative. In the alternative, we believe that the DEIS is significantly flawed and deficient. We also believe if the deficiencies identified herein were addressed, there is a significant chance that the BLM might reach a different result in assessing the WPES. As such, the undersigned request that the significant deficiencies in the DEIS be addressed and then reissued for public notice and comment. Thank you for your attention to our concerns.

G2-64e See the response to Comment G2-64a.

G2-64f See the response to Comment G2-64a.

G2-65 Section 4.9, *Land Use*, of the DEIS and this FEIS assesses the effects of the Proposed Action and Alternative 1 on federal, state, and county land use plans, including BLM Resource Management Plans and Policies and land use designations. The Federal Land Policy and Management Act (FLPMA) authorized the disposal of public land to private parties (43 C.F.R. Section 2711.3-3(a)). In addition, the BLM, in compliance with the White Pine County Conservation Recreation and Development Act of 2006 (PL 109-432), has been directed to make available for disposal up to 45,000 acres in White Pine County. These disposed lands will be sold at a fair market value set by BLM. Following analysis of a number of potential project sites, including sites located on private property, WPEA has requested to locate the WPES power plant on BLM-administered lands that will be disposed. This issue is discussed in Section 2.2.1.4, *Sale of Power Plant ROW*. Section 2.5.3, *Alternative Power Plant Site Locations*, in the DEIS and this FEIS describes the 13 alternative power plant site locations that were evaluated by WPEA during the site selection study. The full siting study report is presented in Siting Study for the Proposed White Pine Energy Station (WPEA, 2005). In that study, WPEA used the BLM Edition Surface Management Status Maps to identify areas of land under private control. Private lands were not excluded unilaterally from the siting analysis; however, private lands with residences were avoided. In addition, when a site on private lands offered no benefits over a site on adjoining or nearby public lands, WPEA placed a preference on the public land site to avoid infringement on private property rights. Eleven of the 13 sites evaluated in the site selection study contained at least some private lands (varying from substantial to very limited amounts of private land) within the study area boundaries (WPEA, 2005). Locating project features on private lands was considered but eliminated from further analysis.

Regarding water use in Steptoe Valley, following a public hearing in 1983, the Nevada State Engineer granted White Pine County the rights to withdraw up to 25,000 acre-feet per year of ground water in Steptoe Valley for industrial purposes, including power generation (see the response to Comment G2-64a for further discussion). The environmental consequences of using a portion of these water rights (5,000 acre-feet per year, which is all that is needed by WPEA to operate either the Proposed Action or Alternative 1) are addressed in Section 4.4, *Ground Water Resources*, of the DEIS and this FEIS. It should be noted that to date, the Southern Nevada Water Authority has not applied for nor has it purchased any existing water rights in Steptoe Valley for the purpose of supplying growing water needs in the Las Vegas region.

Sincerely,

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No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.



Mr. [Name] [Address] [City] [State] [Zip]

Dear Mr. [Name]:

I am writing to you regarding the [Project Name] project. The project is located in the [Location] area. The project is a [Project Description]. The project is being developed by [Company Name]. The project is being developed in accordance with the [Regulation Name]. The project is being developed in accordance with the [Regulation Name].

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June 16, 2007

Mr. John Ruhs
Field Manager
Bureau of Land Management
Ely Field Office
702 North Industrial Way
HC 33 Box 33500
Ely, Nevada 89301

Re: Comments on White Pine Energy Center
Draft Environmental Impact Statement



Dear Mr. Ruhs:

In April 2007, the Nevada State Office of the Bureau of Land Management, U.S. Department of the Interior (BLM), released for public comment the Draft Environmental Impact Statement (DEIS) for the White Pine Energy Station (WPES) that LS Power has proposed be built on public land near Ely, Nevada. On behalf of Sierra Pacific Resources' operating utilities, Nevada Power Company ("Nevada Power") and Sierra Pacific Power Company ("Sierra") (collectively, the "Companies"), I am submitting the following comments as they pertain to the DEIS.

As you know, Sierra Pacific and Nevada Power also are seeking BLM approval for rights-of-way that will be needed for the construction of the Ely Energy Center (EEC), which is comprised of two coal-fired 750 MW ultra supercritical steam turbine units potentially scheduled for commercial operation in December, 2011, and June 2013 respectively, as well as two additional 500 MW integrated gasification combined cycle (IGCC) units scheduled for later construction on the same property. On April 5, 2007, BLM issued its Draft Scoping Report as part of the agency's process to satisfy its obligations under NEPA for our proposal. As the applicant, we are working diligently with our third party consultant to prepare our own DEIS.

Accordingly, our primary objective with the submittal of these comments on the proposed WPES project is to correct errors, omissions and/or misrepresentations as they relate to our own EED project, and to point out deficiencies in the WPES DEIS from a cumulative impacts perspective. Our second objective is to ensure that, just as BLM accords rigorous scrutiny to our application, that impacts being identified and assessed for the WPES have sufficient adequacy and detail to ensure a robust EIS is produced.

Sierra Pacific Resources and Nevada Power share with you an appreciation for the demands of the NEPA process in this type of matter. We also recognize that another component of the Department of the Interior, the Bureau of Indian Affairs, has worked diligently to fulfill its NEPA duties in connection with a proposal to construct similar coal-fired electric generating units on an Indian reservation, known as the Desert Rock Energy Project. Indeed, some of BIA's experiences in its

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No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.



consideration of the Desert Rock Energy Project in New Mexico may prove helpful to BLM in the WPES context, and we call your attention to that document.¹

Our review of the DEIS for the WPES has revealed that it is lacking in several critical areas. These flaws involve inadequate discussion of environmental impacts that are reasonably foreseeable and attributable to the proposed action under consideration. These impacts include: purpose and need; air quality (including both emission levels and visibility); global warming (greenhouse gas emissions); and overall cumulative impacts. Moreover, the WPES DEIS treats the EEC as if it was no more than a conceptual, strategic plan to address energy needs at some distant point in the future. Instead, our Environmental Impact Statement process by BLM is already well underway, and our application for Clean Air Act permits for the EEC from the Nevada Division of Environmental Protection (NDEP) also is under review. As a result, we believe BLM cannot consider the LS Power application without also considering potential cumulative impacts of our facility.

Purpose, Need and Background

G3-1 The DEIS at ES-1 states that the purpose of the WPES is to “put water rights held by White Pine County for energy production in Steptoe Valley to a beneficial use in producing energy” and “provide traffic for the Nevada Northern Railway (NNR)”. We maintain neither of the items thus referenced serve as a defensible purpose. Further, in the need and background section of the DEIS, the narrative makes repeated reference to the development of the WPES “to serve baseload electric needs.” (DEIS 1-2). Of course, LS Power has no existing transmission facilities or service area in Nevada. Its proposal is a speculative investment in the generation of electricity. Indeed, a spokesperson for LS Power recently acknowledged that its construction of the WPES “depends on financing and finding buyers for the power produced.” (Las Vegas Review Journal, June 5, 2007, “Park Service Opposes LS Power Project”). It is imperative that we (as Nevada Power and Sierra Pacific Power) state for the record that we do not have any contracts or agreements for power output from the WPES; have not requested any output from the WPES; and in fact are proposing our own EEC to meet the Companies’ base-load generation needs. The Companies’ remaining needs are for either renewable projects or non base-load, seasonal (intermediate or peaking) resources, i.e. projects of a totally different nature than the proposed WPES. Therefore, WPES has no justification from the perspective of fulfilling projected energy shortfalls on the Nevada Power or Sierra Pacific Power systems.

G3-2

Air Quality

The DEIS contains some 35 pages of examination of air quality impacts. Included within these pages is a discussion of air dispersion modeling performed to assess potential impacts upon two important federal properties with Class I air quality: Zion National Park and Jarbidge Wilderness Area, located some 300 km to the south-southeast and 260 km north of the proposed facility, respectively. However, in earlier comments by the National Park Service to the NDEP on the Clean Air Act

¹ In April 2007, BIA made the Draft EIS for the Desert Rock Energy Project available for public comment. It can be found at www.desertrockenergy.com

G3-1 Part of the purpose and need for the proposed project is to bring economic benefits to White Pine County, Nevada. The criteria stated in the DEIS that the project "place water held by White Pine County for power production in Steptoe Valley to beneficial use for power production" and that the project "provide traffic for the Nevada Northern Railway" are two objectives that have been identified as important economic objectives for White Pine County. Upgrading the rail line would permit use of the NNR for commercial freight service and allow for the expansion of tourist operations on the NNR north to Shafter. Railroad facilities, as well as use of White Pine County's water rights by WPEA for the proposed project, were included in the Interim Development Agreement between White Pine County and WPEA (see Appendix A, *Development Agreement*, in this FEIS).

It is appropriate for project developers and for the BLM to take into account the local government's planning objectives in project design and in associated National Environmental Policy Act (NEPA) and planning documents. In this instance, two of White Pine County's top economic planning priorities are to utilize permitted water rights for power generation and to establish freight service on the Nevada Northern Railway, as described in the following text. White Pine County views these economic objectives as catalysts for other types of economic development within the community. In 1983, the State Engineer issued an order designating Industrial/Power Generation as the preferred use of ground water in Steptoe Basin. As stated in a July 11, 2007, letter from White Pine County to the BLM (White Pine County, 2007), "[t]he development of water resources for power generation in Steptoe Valley and the ability to reinstate rail freight service on Class III track are basic to White Pine County's long term goals of strengthening and stabilizing the area's economy and improving the quality of life for all White Pine County residents." Thus, projects that contribute to the satisfaction of these objectives are consistent with the need to bring economic benefit to White Pine County.

G3-2 As stated in Section 1.2.1, *Introduction*, of this FEIS, the White Pine Energy Station is proposed in response to a need for new baseload generating capacity in the western United States. The Station was not proposed specifically to satisfy a capacity shortfall in the Nevada Power Company or Sierra Pacific Resources system. Construction and operation of a 500-mile 500-kV transmission line known as the Southwest Intertie Project (SWIP), which was approved by the BLM in 1994, is considered as a connected action in this FEIS. The SWIP transmission line would interconnect with the Duck Creek Substation adjacent to the White Pine Energy Station. The SWIP transmission line would allow power generated from the White Pine Energy Station to be transmitted not only throughout Nevada, but also throughout the western United States.

As discussed in the response to Comment G2-23, the proposed construction of the Ely Energy Center does not affect the purpose and need for the White Pine Energy Station because 1) because of uncertainties associated with the processes required to obtain real estate, water rights, and environmental permits (and none of these processes has been completed) it is not certain that the Ely Energy Center will actually be constructed and operated, and 2) there is a need for baseload generation in the western United States well in excess of the combined capacity of the two facilities (see the response to U.S. Environmental Protection Agency (EPA) Comment F1-10 for a discussion of the documented energy needs elsewhere in the western United States, including New Mexico, Colorado, Wyoming, Idaho, Utah, and Arizona).



permit sought by LS Power under the Prevention of Significant Deterioration program, the Park Service was concerned that

- visibility at Great Basin National Park would be significantly affected by the proposed project
- sulfur deposition from the facility exceeds the Park Service's threshold for such an impact at Zion National Park
- it is likely that both the Park Service's sulfur and nitrogen deposition thresholds would be exceeded at Great Basin National Park because of this facility

More recently, the Park Service's own comments on this DEIS reveal its opposition to the construction of the WPES because of adverse air quality impacts upon federal lands.

G3-3

In light of the concerns expressed on this and other occasions by the Park Service in connection with the air permitting process for this facility, the treatment in the DEIS dealing with air quality on federal lands is deficient. There is no detailed discussion of the potential impacts of sulfur or nitrogen deposition at Zion, Great Basin, or Ruby Lake, other than the passing comment that "impacts in excess of a DAT [Deposition Analysis Threshold] do not necessarily represent an adverse impact...." (DEIS at 4-118 and 119). However, the Park Service concern that these emissions had the potential to impact both aquatic and terrestrial ecosystems remains unaddressed. (DEIS at 4-115). Similarly, treatment of visibility impacts at Great Basin and Ruby Lake is deficient.

Additional comments regarding air quality in chapter four of the DEIS (cited by section) include:

4.6.1.2.1 The DEIS states that because limited technical data are available, information from Toquop EIS (BLM, 2003) was used to estimate/extrapolate emissions for the construction phase. We note that the Toquop Project, as proposed in 2003, was a natural gas fired facility. Therefore, construction emissions from that project may not be representative for the WPES and its use would be suspect. Further, use of this data would also imply that the WPES has not done sufficient engineering studies to give an accurate picture of its expected emissions.

G3-4

4.6.1.3.1 The referenced list of emission sources is not very specific and does not include emissions associated with wet cooling. Therefore, the mode of operation for the summer is implied to be dry, in spite of the fact that the proponents have stated that water sprays/hybrid wet cooling would be used during hotter ambient conditions. It is especially important to know which system LS Power will employ because hybrid wet cooling could be expected to potentially increase the Particulate (PM) emission rate and should be included in the NDEP Draft Air Permit.

G3-5

4.6.1.3.2 Estimates for hazardous air pollutants (HAPs) are not listed here (only criteria pollutants). Further, the diesel fuels are listed as having 0.05 percent sulfur which does not comply with 40 CFR Part 60 Subpart IIII as required. Further, the draft air permit

G3-3 Additional information was added to Section 4.19.3.6.1, *Air Quality*, of this FEIS, which discusses the cumulative impact resulting from sulfur and nitrogen deposition (see *Cumulative Sulfur and Nitrogen Deposition Analysis*). In brief, based on a cumulative analysis of the existing sources, the White Pine Energy Station, and reasonably anticipated future sources, the White Pine Energy Station is not expected to cause or contribute to any acidification or nitrification problems in aquatic or terrestrial ecosystems.

There are no quantitative regulatory limits for changes in visibility at Class II areas (for example, Great Basin National Park and Ruby Lake), and the air quality analysis shows that impacts from the White Pine Energy Station would be less than the only air quality limits that have been established to protect against decreased visibility (that is, the NAAQS). Additional information regarding visibility changes at Great Basin National Park and Ruby Lake is provided in Section 4.19.3.6.1, *Air Quality* (see *Cumulative Visibility Analysis Results*) of this FEIS.

G3-4 Maximum construction emissions are expected to occur during site preparation (for example, earth moving and leveling) when a large number of diesel-driven engines would be operating onsite on throughout the work day. The number of bulldozers, front loaders, graders, etc. operating at any given time is related to the area of disturbance. Consequently, construction emissions for the White Pine Energy Station were estimated based on the area of disturbance and duration of the proposed project. Whether the project is based on natural gas or coal-fired electrical generation is not relevant to estimates of construction emissions. Emissions from construction activities (see Table 4.6-1 in this FEIS) would be much less than the operating emissions (see Table 4.6-4 in this FEIS), and would not be expected to be the source of the maximum impact.

G3-5 The proposed White Pine Energy Station cooling system is a hybrid system that would normally operate as a dry system. Water would be recirculated inside the plant to the maximum degree practicable. The hybrid cooling system is a closed loop, indirect cooling system operating dry except for the warmest days of the year. Because it is a closed loop system, it is not expected to create particulate emissions. Even when water sprays are used, the system would not be expected to create particulate emissions as would a conventional evaporative cooling tower. This is reflected in the PSD Air Permit issued for the White Pine Energy Station by the Nevada Division of Environmental Protection-Bureau of Air Pollution Control (NDEP-BAPC). Water that could no longer be reused would be discharged to the facility's three-cell, double-lined evaporation pond. Additional detail has been added in this FEIS to Section 2.2.3.1.1, *Power Island*, under the heading *Cooling Towers* describing the hybrid cooling system and use of cooling water.

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G3-6 issued to WPES requires the use of ultra low sulfur diesel, which should therefore be referenced. Again, the DEIS falls short by not including critical information about potential emissions.

4.6.1.3.3 G3-7a The DEIS states that a screening level ozone modeling has been done based on “accepted screening level methodology.” However, the report is not clear what screening level methodology it is referring to. It is important to point out that the DEIS modeling results do not include background concentrations. The DEIS section also briefly discusses the wilderness areas and explains that concentration isopleths indicate that there is no significant impact. However, no modeling results are provided or referenced to substantiate that claim which would constitute a gross deficiency in the NEPA process. G3-7b The Council on Environmental Quality requires that such statements be documented with references to the methodology employed in making such declarations. See, 40 C.F.R. § 1502.24.

4.6.1.3.7 G3-8 Hazardous Air Pollutants (HAPs) resulting from operation of the WPES were not modeled independently. Instead, AERMOD modeling results have been prorated to estimate HAP impacts. The WPES analysis only looked at acute and chronic direct exposure through inhalation. They did not look at direct exposure through incidental ingestion of soil or any indirect exposure through ingestion of foodstuff. Risk assessments must look at the default exposure pathways recommended in the combustion guidance. Also, there are minor errors in the DEIS regarding selection of toxicity factors (e.g. missing or miscalculated values). There are no ecological conclusions in this section of the report and the DEIS does not address ecological receptors.

Greenhouse Gas Emissions

G3-9 Section 4.6.1.3.9 at DEIS 4-119 presents a one paragraph discussion about greenhouse gas emission impacts. While noting that 98 percent of this facility’s contribution to greenhouse gasses will be carbon dioxide, the DEIS contains projected emissions for carbon monoxide instead. These two gases are not interchangeable. As well, there is no data provided that would allow the reader to put this coal-fired power plant into perspective to other, recently approved coal-fired power plants in the western region of the country.

G3-10 The discussion of greenhouse gas emissions in the DEIS is not sufficient to meet the NEPA requirements to identify and discuss in detail reasonably foreseeable environmental impacts. We suggest that the treatment of this issue by the BIA in connection with the proposed Desert Rock Energy Project may be helpful to BLM here. See, Desert Rock DEIS at 4-18 and 19; 5-12, and App. K at K-37, K43—45, and K-75.

Cumulative Impacts

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G3-6 Additional information was added to Section 4.6.1.3.7, *Class II Area Hazardous Air Pollutants*, and Table 4.6-8 that shows the amount of hazardous air pollutants (HAPs) that would be emitted annually. Comparisons to mercury standards are discussed in a separate revised Section 4.6.1.1.6, *Mercury*.

Also, text in Section 4.6.1.3.2, *Air Emission Controls*, and Section 4.6.1.3.3, *Magnitude of Emissions During Operation*, was edited to change "low sulfur" to "ultra low sulfur" and "500 ppm" to "15 ppm."

G3-7a Additional information about the ozone screening approach (Empirical Kinetic Modeling) used in the DEIS and this FEIS is discussed in Section 4.6.1.3.4, *Dispersion Modeling Methodology*, and Section 4.19.3.6.1, *Air Quality*.

Regarding impacts to Wilderness areas, results of the White Pine Energy Station Full Impact Analysis (see Table 4.6-6 in this FEIS) are applicable to the Wilderness areas listed in Section 4.6.1.3.5, *Class II Area Dispersion Modeling Results*. Discussions of impacts at the individual Wilderness areas were included to provide additional information only, and the results in Table 4.6-6 demonstrate that the White Pine Energy Station is not expected to cause or contribute to any violation of the NAAQS or PSD increments at the Wilderness areas or at any other Class II areas.

G3-7b See the response to Comment G3-7a. The modeling was conducted in accordance with NDEP and EPA-approved protocols and procedures (using the methodology referenced in Section 4.6.1.3.4 of the DEIS).

G3-8 White Pine Energy Associates' (WPEA's) hazardous air pollutant (HAP) modeling methodology, conducted by prorating the impacts from the pulverized coal-fired boilers, is consistent with HAP modeling methodologies commonly employed by air permitting agencies around the country and is considered appropriate for the risk assessment presented in this FEIS. Regarding the commenter's mention of a multipathway risk assessment "recommended in the combustion guidance," the commenter may be referring to the September 2005 "Human Health Risk Assessment Protocol (HHRAP) for Hazardous Waste Combustion Facilities" (EPA Document No. EPA520-R-05-006). Although this guidance is applicable to industrial facilities combusting hazardous waste and subject to Resource Conservation and Recovery Act (RCRA) permitting requirements, the White Pine Energy Station would neither store nor burn hazardous waste; thus, the hazardous waste combustion guidance is not applicable to the White Pine Energy Station. The primary HAP species of concern for pulverized coal-fired power plants are mercury, hydrogen fluoride, and lead. Air emissions of these species were modeled, and the resulting impacts were found to be below the applicable risk assessment thresholds. Text was added to Section 4.6.1.3.4, *Dispersion Modeling Methodology*, of this FEIS to clarify the methodology used in the analysis. See the response to Comment G1-2 for additional information regarding the mercury evaluations that have been added to this FEIS. Because of the minimal risk of incidental soil ingestion or foodstuff contamination, the inhalation pathway was the only risk assessment pathway analyzed. Results of the inhalation evaluation show that none of the risk assessment thresholds are exceeded, and no additional analysis is warranted.

The compounds for which ambient concentrations are missing (that is, 1,3-butadiene and propylene oxide) are not expected to be emitted from the White Pine Energy Station and were removed from Table 4.6-8 in this FEIS.

Ecological conclusions are not included in Section 4.6.1.3.7, *Class II Area Hazardous Air Pollutants*; however, ecological receptors are addressed in a revised cumulative impact analysis in Section 4.19.3.6.1, *Air Quality* and Appendix L, *Cumulative Analysis for Air Quality*. That cumulative analysis shows that air emissions from the White Pine Energy Station, together with existing and future sources, are not expected to result in damage to crops, vegetation, animals, or aquatic or terrestrial ecosystems.

- G3-9** A typographical error on page 4-119 of the DEIS "carbon monoxide" has been replaced with "carbon dioxide" in this FEIS.

Further analyses of climate change have been added to this FEIS. Section 3.6.2, *Climate Change*, includes a broad discussion of the currently observed impacts to resources associated with climate change. Section 4.6.2, *Climate Change*, has been added to this FEIS to describe projected future changes in climate, along with discussions of the various factors thought to influence climate.

Section 4.19.3.6.1, *Air Quality*, has been revised to discuss the potential incremental cumulative impacts of emission sources on climate change. Finally, Appendix M, *Understanding and Evaluating Climate Change*, has been added to this FEIS. The potential cumulative impacts of all global carbon dioxide emissions are summarized in Section 4.19.3.6.1, *Air Quality*, and in Appendix M, *Understanding and Evaluating Climate Change*, of this FEIS.

Human-caused carbon dioxide emissions make up 3 percent of the global total carbon dioxide emissions, the majority of which are emitted through natural processes in the earth's oceans and land area. Maximum carbon dioxide emissions from the White Pine Energy Station would be 0.001 percent (1 one-thousandth of 1 percent) of the global total carbon dioxide emissions.

- G3-10** See the response to Comment G3-9.



Section 4.19 contains a discussion of cumulative impacts, as promised at the outset of the DEIS. BLM stated: "Cumulative impacts are those incremental impacts that would result from the effects of the Proposed Action or Alternative I when added to the effects of other past, present, and reasonably foreseeable projects. The BLM recognized the need for a thorough analysis of potential cumulative effects, not only from power plant siting activities, but from other development activities as well." (DEIS at 1-8). This recognition is important because an EIS "must also include a *useful* analysis of the cumulative impacts of past, present and future projects." *Churchill County v. Norton*, 276 F.3d 1060, 1080 (9th Cir. 2001)(emphasis added).

Accordingly, the DEIS identifies the following large projects that would be considered in the cumulative impact analysis (id.):

- Southwest Intertie Project
- Nevada Northern Railway Upgrade
- Nevada Northern Railway Operation
- White Pine County Airport Expansion
- Basset Lake Expansion
- Egan Range Wind Generating Project
- Intermountain Power Project Phase III
- Newmont Gold Coal-fired Power Plant
- Southern Nevada Water Authority Groundwater Development Project
- Toquop Coal-fired Power Plant
- Ely Energy Center

At Section 4.1.3, the DEIS notes that CEQ has established a process at 40 C.F.R. 1502.22 for dealing with incomplete or unavailable information when preparing an EIS. Having earlier recognized the need for "a thorough analysis of potential cumulative effects," the DEIS here declares that "[p]otentially incomplete or limited information was available for many of the projects considered in the cumulative impact analysis. This necessitated a broad qualitative analysis and characterization of possible cumulative effects as opposed to a site-specific quantitative assessment." (DEIS at 4-3).

It appears that the DEIS has correctly identified these eleven activities as eligible for consideration of cumulative impacts. It was also permissible for the DEIS to rely upon CEQ's process for dealing with missing or incomplete information in order to assess cumulative impacts since some information about these activities may not be readily available. However, "Consideration of cumulative impacts requires 'some quantified or detailed information; ... [g]eneral statements about 'possible' effects and 'some risk' do not constitute a 'hard look' absent a justification regarding why more definitive information could not be provided." *Kern v. U.S. Bureau of Land Management*, 284 F.3d 1062, 1075 (9th Cir. 2002). Yet, the DEIS is deficient in its study of cumulative impacts because it contains virtually no information about the reasonably foreseeable environmental impacts, particularly involving air quality, of many of these identified actions.

G3-11

G3-11 Additional information on the air quality cumulative impacts analysis has been provided in Section 4.19.3.6.1, *Air Quality*, and Appendix L, *Cumulative Analysis for Air Quality*, of this FEIS. Cumulative impacts of the White Pine Energy Station, together with existing sources and reasonably expected future sources for which detailed information is available, are addressed. The reasonably foreseeable future actions evaluated in the cumulative air quality analysis are the Ely Energy Center, Toquop, Newmont, IPP Unit 3, and Nevco Sevier projects. Therefore, this FEIS provides a detailed cumulative analysis of the available information for the reasonably foreseeable future actions in the region.



G3-12

For example, in this DEIS, while stating that Newmont Gold is constructing a 200MW coal-fired plant near Elko, Nevada, with a start-up date set for 2008, there is no information about expected emissions from this facility, nor is there any discussion about whether the operation of the Newmont Gold plant is likely to exacerbate the concerns of the Park Service with respect to air quality in nearby National Parks and Wildlife Refuges. That is because the DEIS simply assumed without doing any analysis of available data that air quality impacts from the Newmont facility would be "insignificant." (DEIS at 4-269). However, the Newmont Gold Air permit has been available in the public domain for some time and the relevant emissions could not only have been easily obtained, but should have been analyzed accordingly and documented. Similarly, the DEIS states that the proposed 900MW Phase III unit to be built and operated by Intermountain Power appears to satisfy all Clean Air Act requirements, but then declares that no effort was made to determine if, when combined with emissions expected from the WPES proposed facility, the air quality impacts projected in this DEIS would remain valid. (DEIS at 4-261). Apparently, WPES's consideration of cumulative impacts includes only the identification of individual impacts, but no examination of whether these impacts might combine to produce a different result.

G3-13

The Nevada BLM is also preparing EIS's for two other energy projects: the Toquop Energy coal-fired power plant, and, as noted earlier, the Ely Energy Center (EEC). Toquop has proposed a 750MW facility in Mesquite, Nevada, and the DEIS for WPES finds that it, too, is "well outside the radius of impact of the [proposed White Pine] Station. As such, the project was not considered for cumulative impacts analysis." (DEIS at 4-269). It is difficult to see why WPES found it appropriate to list these activities as initially appropriate for consideration of cumulative impacts but thereafter finds that such review is unnecessary. The question that BLM should be addressing with respect to Toquop and the EEC is whether plans for these facilities are "speculative and contingent" or whether it is reasonably likely that these facilities will be built. *Village of Grand View v. Skinner*, 947 F.2d 651, 659 (2nd Cir. 1991). The EEC is not a speculative and contingent project as evidenced by the fact the Public Utilities Commission of Nevada approved the Companies request for funds to proceed with development of the EEC by Order dated November 13, 2006. Further, we note the WPES project was denied intervention by the PUCN in the Companies' IRP filings because of their speculative business or marketing plan (as there was no executed contract with a Nevada certificated utility obligating the sponsors to perform).

G3-14

Clearly, our own EEC project is not outside the study radius. However, the DEIS for the WPES instead asserts that there is no detailed emission information or stack height information, and therefore, it declines to address the cumulative impacts of building these two additional 750MW units relatively close to the proposed WPES units. (DEIS at 4-269). This is wrong, outdated information. Nevada Power had a publicly available application on file with the NDEP for a Clean Air Act permit for the EEC before this DEIS was completed and released for comment. But even if this information was not available, no effort was made to model cumulative impacts, or to use "research methods generally accepted in the scientific community" to determine if there is even a reasonable likelihood of cumulative impacts. 40 C.F.R. 1502.22(b)(4).

In many cases, agency use of mathematical models to predict cumulative impact has been upheld. *See, e.g., Inland Empire Public Lands Council v. Schultz*, 992 F.2d 977, 981 (9th Cir. 1993).

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- G3-12** As discussed in the response to Comment G3-11, a cumulative air quality impact analysis has been added to Section 4.19.3.6.1, *Air Quality*, and Appendix L, *Cumulative Analysis for Air Quality*, of this FEIS. The cumulative impact analysis includes reasonably expected future sources. The reasonably foreseeable future actions evaluated in the cumulative analysis are the Ely Energy Center, Toquop, Newmont, IPP Unit 3, and Nevco Sevier projects. As shown in the cumulative air impacts analysis, the predicted cumulative impacts are all below the applicable Clean Air Act standards. The White Pine Energy Station is not expected to cause or contribute to any exceedance of an applicable air quality standard or result in any adverse effects.
- G3-13** In the cumulative air quality impact analysis, reasonable and foreseeable projects were those projects that had submitted an air quality permit application. Although the proposed Toquop project is well beyond the radius of impact plus 50 kilometers (as defined in EPA's PSD guidance) for the proposed White Pine Energy Station, the Toquop project is evaluated in the revised cumulative air quality impacts analysis in Section 4.19.3.6.1, *Air Quality*, of this FEIS to ensure conservative estimates of air quality impacts. Moreover, the proposed Ely Energy Center is also included in the cumulative air quality impacts analysis. Also, see the responses to Comments G3-11 and G3-12 regarding projects analyzed in the cumulative air quality impact analysis and results of that analysis.
- G3-14** The cumulative air quality impact analysis presented in Section 4.19.3.6.1, *Air Quality*, and Appendix L, *Cumulative Analysis for Air Quality*, of this FEIS considers the proposed Ely Energy Center based on the final air permit application and draft permit issued by NDEP-BAPC for the Ely Energy Center.

Comment Letter G3



Moreover, WPES cannot avoid study of cumulative impact simply because neither Toquop nor EEC has yet to receive final approval. "A project need not have received final approval to be 'reasonably foreseeable.'" *Surfrider Foundation v. Dalton*, 989 F. Supp. 1309, 1324 (S.D. CA, 1998), aff'd 196 F.3d 1057 (9th Cir. 1999).

G3-15 | Even if WPES found itself handicapped by having to deal with missing or incomplete information at DEIS 4-3, 40 C.F.R. 1502.22 obligated the proponent to use the information that was available or to use reasonable research methods to gather additional information when addressing cumulative impacts to air quality. The DEIS makes no effort to present what information about Intermountain Phase III, the Newmont facility, Toquop or EEC might be known to state permitting agencies, the applicants or BLM. Ultimately, it is possible that NDEP will issue PSD permits to all three applicants. For now, however, especially in light of concerns raised by the National Park Service and the public about air quality impacts, BLM may not treat these three initiatives (or the other actions properly identified for cumulative impact analysis) as if the possible impacts attributable to each will have no effect upon the others. That may be the final result if the cumulative impact analysis is performed properly. However, at the present time, that outcome is only an untested supposition.

G3-16 | Finally, BLM may not exclude from consideration the potential impacts of the EEC when completing the EIS for WPES simply because the LS Power application came before that of Nevada Power for the EEC. The same holds true for Toquop: the issue is not which application came first, or second, or third, but whether the EEC and or Toquop is "reasonably foreseeable" in terms of likelihood that it will proceed. If the answer is yes, then the proponent cannot ignore cumulative impacts. "NEPA is not designed to postpone analysis of an environmental consequence to the last possible moment. Rather, it is designed to require such analysis as soon as it can reasonably be done." *Kern v. U.S. Bureau of Land Management*, 284 F.3d 1062, 1072 (9th Cir. 2002).

In our contacts with the BLM regarding our application for the EEC, we are continually impressed with the dedication and diligence of agency personnel who address these demanding issues with limited resources. We are mindful that the same constraints affect the DEIS for the WPES proposal. Because our goal is to serve the people of Nevada by obtaining timely approval from BLM for all requisite permits so that additional electricity can be provided by the EEC in an environmentally responsible manner, the purpose of our comments here are to ensure thorough analysis of both our application and that of the WPES.

- G3-15** Since preparation of the DEIS, additional information has become available for several of the reasonably anticipated future actions. This FEIS includes a cumulative air quality impacts evaluation (revised Section 4.19.3.6.1, *Air Quality*, and new Appendix L, *Cumulative Analysis for Air Quality*), which considers the proposed Ely Energy Center, Toquop, Newmont, IPP Unit 3, and Nevco Sevier projects, in addition to the proposed White Pine Energy Station and existing sources in the region. As shown in the cumulative air quality impact analysis, the predicted cumulative impacts are all below the applicable Clean Air Act standards.
- G3-16** The DEIS does not claim that the other projects can be excluded from consideration simply because the White Pine Energy Station was the first of the projects to submit a PSD air permit application. At the time the DEIS was prepared, information for these other projects was not available. However, since that time, information on these other projects has been made available, and the modeled air impacts associated with the proposed Ely Energy Center, the Toquop project, and the other reasonably expected future actions are included in the cumulative air quality impact analysis in Section 4.19.3.6.1, *Air Quality*, of this FEIS. Thus, the reasonably foreseeable actions are evaluated in the cumulative air quality impact analysis in this FEIS.

Comment Letter G3



Thank you for accepting these comments and we look forward to continuing our work with you as we move forward through our own EIS process for the EEC project. If you have any questions or desire further clarification, please contact me at (702) 367-5669.

Sincerely,

A handwritten signature in cursive script that reads "Starla Lacy".

Starla Lacy
Director, Environmental Services
Sierra Pacific Resources
6226 West Sahara Avenue
Mail Stop 30
Las Vegas, Nevada 89146

P.O. Box 98910, Las Vegas, Nevada 89151-0001 • 6226 West Sahara Avenue, Las Vegas, Nevada 89146
P.O. Box 10100, Reno, Nevada 89520-0024 • 6100 Neil Road, Reno, Nevada 89511

Comment Letter G4

Jack Tribble,
Acting Assistant Field Manager,
Bureau of Land Management,
Ely Field Office, HC 33 Box 33500,
Ely, NV 89301-9408

Mr. Tribble:

G4-1 | I am writing to comment on the Draft Environmental Impact Statement released April 20, 2007, on the proposed White Pine Energy Station. The DEIS does not go far enough to address the significant environmental impacts that would occur if this poorly conceived project goes forward.

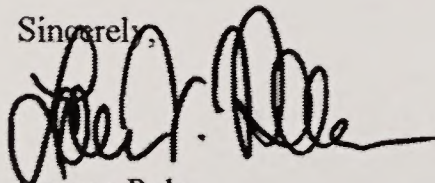
Among other impacts, more than 1,500 acres of wildlife habitat would be permanently disturbed. But by far the most serious concern is the immediate and cumulative impact that this ill-advised project, like other coal-fired power plants around the country, would have on both local environmental and recreational resources and on the global environment through the continued pumping of carbon-rich gases into the atmosphere.

The National Park Service and other agencies have amply demonstrated that the White Pine Energy Station would lead to a significant decline in air quality over the Jarbidge Wilderness Area and Zion National Park, both PSD Class I areas, as well as Great Basin National Park and Ruby Lake National Wildlife Refuge.

On a larger scale, this project would only accelerate the load of carbon dioxide and other proven greenhouse gases in the atmosphere, an environmental issue that threatens our national and global security. The Intermountain West and Great Basin areas, particularly, are suffering from the climate shift resulting from greenhouse gases in the atmosphere. Despite superficial claims to the contrary, this plant is still a coal-burning, greenhouse-gas belching, poorly designed and heavily polluting project that makes no sense at all except for those who intend to profit from the destruction of our environment.

For these reasons, we hope that the federal government will aggressively examine the environmental impact that would occur from this project and work towards a "no action" alternative for the proposed White Pine Energy Station.

Sincerely,



Launce Rake
Communications Director
Progressive Leadership Alliance of Nevada
732 S. 6th St., Suite 200
Las Vegas, NV 89101

In response to the commenter's concerns regarding air quality impacts at Zion National Park and Jarbidge Wilderness Area, the predicted impacts at Class I areas (Jarbidge Wilderness Area and Zion National Park) were reviewed by the Federal Land Managers for these areas during the PSD air permitting process. The Federal Land Managers (who have an affirmative responsibility under the Clean Air Act to protect air quality related values at Class I areas) did not determine that adverse impacts would result at either Class I area. Additionally, as reflected in FEIS Section 4.6.1.3.8, *Class I Area Dispersion Modeling Results*, and Appendix L, predicted impacts at Great Basin National Park and Ruby Lake National Wildlife Refuge are within the applicable Clean Air Act standards.

Further analyses of climate change have been added to this FEIS. Section 3.6.2, *Climate Change*, includes a broad discussion of the currently observed impacts to resources associated with climate change. Section 4.6.2, *Climate Change*, has been added to this FEIS to describe projected future changes in climate, along with discussions of the various factors thought to influence climate. Section 4.19.3.6.1, *Air Quality*, has been revised to discuss the potential incremental cumulative impacts of emission sources on climate change. Finally, Appendix M, *Understanding and Evaluating Climate Change*, has been added to this FEIS. The potential cumulative impacts of all global carbon dioxide emissions are summarized in Section 4.19.3.6.1, *Air Quality*, and in Appendix M, *Understanding and Evaluating Climate Change*, of this FEIS.

As discussed in this FEIS, because of the low level of predicted carbon dioxide emissions from the White Pine Energy Station compared to the total emissions in the global carbon cycle (carbon dioxide emissions from the White Pine Energy Station would represent 0.001 percent (1 one-thousandth of 1 percent) of the total global carbon dioxide emissions) and the uncertainty in the global estimates of the relevant parameters, it is not possible to meaningfully predict any climate impacts that would be expected from the White Pine Energy Station (or several new plants considered together). This uncertainty is increased by an inability to predict the course and effectiveness of the technological, political, regulatory, and business responses to climate change over the coming decades, which appears to be developing with increased rapidity in response to the findings of the Intergovernmental Panel on Climate Change (IPCC) and other evidence of changing climate. Therefore, it is not possible to quantify any direct, indirect, or incremental cumulative environmental impacts associated with carbon dioxide emissions from the proposed White Pine Energy Station. The potential cumulative impacts of all anthropogenic carbon dioxide emissions are summarized in Appendix M, *Understanding and Evaluating Climate Change*, and in Section 4.19.3.6.1, *Air Quality*, of this FEIS.

Comment Letter G5



Toiyabe Chapter
PO Box 8096
Reno, NV 89507



June 19, 2007

Jeffrey A. Weeks,
Bureau of Land Management
Ely Field Office
HC 33 Box 33500
Ely, Nevada 89301-9408

*** VIA FAX ***

Re: White Pine Energy Station-Draft Environmental Impact Statement

Dear Mr. Weeks:

On behalf of the 5,500 members of the Toiyabe Chapter in Nevada and the eastern Sierra Nevada, I am submitting these comments on the Draft EIS for the White Pine Energy Station. These comments are supplemental to comments of Western Resource Advocates submitted by Charles Benjamin on behalf of several conservation groups including the Toiyabe Chapter. Many of the Chapter's members live near or recreate on public lands adversely affected by the proposed project including the Jarbidge Wilderness, Great Basin National Park, Ruby Lake National Wildlife Refuge, and BLM and Forest Service administered public lands.

The Toiyabe Chapter and its members have participated in land planning and management by the local offices of the Humboldt-Toiyabe National Forest Service, Ely and Elko Districts of the BLM, Great Basin National Park and the Ruby Lake National Wildlife Refuge for decades. Additionally, the Chapter and its members have participated in projects to improve range condition and wildlife habitat - especially for sage grouse - control noxious weeds, and build and enhance trails and other recreational facilities. The Sierra Club highly values these public lands and extremely concerned about the negative environmental impacts of the proposed project on the lands and on local communities and Native American Tribes.

The draft EIS is not responsive to many of our scoping comments of Sept. 2, 2004 and violates many requirements of NEPA including not establishing a need for the project, not providing a range of alternatives, insufficiently analyzing the direct and cumulative environmental impacts of the project. We request that these serious deficiencies be corrected and the BLM reissue the draft EIS for public comment.

- G5-1 | Need for the project: In 2004 we asked for information on the customers for this project and the draft EIS fails to provide that information.
- G5-2 | Air Quality: In 2004 we asked for analysis of the human health and environmental impacts of hazardous pollutants including CO2 and other greenhouse gases and on particularly toxic elements

G5-1 Section 1.2.1, *Introduction*, has been revised to reflect that White Pine Energy Associates (WPEA) is an independent power producer (IPP). Power from the White Pine Energy Station would be sold on a wholesale basis to utilities, municipalities, and/or cooperatives. These potential customers of the Station would in turn sell the power to the end users of the electricity. IPPs play an important role in the larger energy market by creating a competitive environment for electricity supply, thus lowering the cost of electricity for the end user. IPPs generally do not enter into power purchase agreements until the development stage of the project is complete and all major construction approvals have been obtained.

G5-2 It should be noted that the primary greenhouse gases include water vapor, carbon dioxide, methane (CH₄), nitrous oxide (N₂O), ozone (O₃), and halocarbons such as sulfur hexafluoride (SF₆), and that they are not "hazardous pollutants" as defined by the Clean Air Act. Pollutant deposition analyses are summarized in FEIS Sections 4.6.1.3.7 *Class II Area Hazardous Air Pollutants, Mercury Deposition and Bioaccumulation*, and 4.6.1.3.8, *Class I Area Dispersion Modeling Results, Deposition and* are documented in Appendix L, *Cumulative Analysis for Air Quality*. Appendix M, *Understanding and Evaluating Climate Change*, has been added to this FEIS.

A memorandum of understanding (MOU) between WPEA and the State of Nevada, signed on November 20, 2007, would require the Station to be designed and constructed in a manner to be "Carbon Capture Ready" so that the facility can be retrofitted in the future with carbon dioxide capture and sequestration. As part of this requirement, 7 acres of land would be set aside for each coal-fired boiler to allow for the installation of this technology. The land set aside is discussed in the revised Section 2.2.3.1.2, *Land Set-Aside for Future Carbon Capture Technology*, and the MOU is included in Appendix F of this FEIS. Potential carbon dioxide control technologies are evaluated in FEIS Section 2.5.4 and Appendix E.

An analysis of hazardous air pollutants (HAPs) was included in the DEIS in Section 4.6.1.3.7, *Class II Hazardous Air Pollutants*. The results of that analysis were shown in Table 4.6-7 of the DEIS (Table 4.6-8 in this FEIS). The analysis showed no available standard was exceeded. Regarding mercury emissions, analyses of mercury emissions, deposition, and bioaccumulation have been added to this FEIS. Based on these mercury analyses, the estimated upper bounds for increases in air concentration and bioaccumulation rates are not expected to create adverse effects. Mercury control measures are evaluated in FEIS Section 2.5.4 and Appendix D (see the response to Comment G1-2 for additional information).

Pollutant deposition analyses are summarized in FEIS Sections 4.6.1.1.6, and 4.6.1.3.8, *Class I Area Dispersion Modeling Results*, and are documented in Appendix L. It is also noted that the frequency with which winds would send pollutants in any given direction is not necessarily indicative of the ambient impacts that would occur at a given area. The modeling analyses, which show that the WPES would not cause or contribute to any exceedance of the applicable ambient air quality standards which were set to protect public health and welfare, are based on a full year of meteorological data collected at the proposed site and are therefore considered representative of the expected range of actual conditions.

Comment Letter G5

G5-2
(cont.)

such as mercury and the draft EIS fails to provide that analysis. We requested that the EIS include analysis of the accumulation of mercury and toxic elements from emissions of the project and the draft EIS fails to provide that analysis. We requested that the EIS analyze aggressive mercury control measures and the draft EIS fails to do so. We requested that the draft EIS analyze CO2 control technologies and the draft EIS fails to do so. We requested an analysis of pollution transport and deposition for all known atmospheric conditions in all seasons especially "how frequently and the extent to which winds would take pollutants south toward Ely, east toward Mt Moriah and Utah cities, and north toward Elko, Wells, and Wendover" and the draft EIS failed to provide this information.

Alternatives to be considered:

G5-3

Criteria: The "criteria" developed to evaluate alternatives (page ES-7) are designed to eliminate consideration of any alternative except traditional coal-fired power generation nor do they require environmentally responsible power production. For example, criteria such as "providing traffic for the Nevada Northern Railway" can only be satisfied by shipments of coal. Also, "commercially proven and reliable" simply means old technology which pollutes the environment. "Cost effectiveness relative to pulverized coal" is simply an endorsement of the only alternative considered and assumes today's economic conditions will continue for the life of the plant. No alternative ways of putting White Pine Co. water to beneficial use were considered except for the WPES ignoring the other proposed power plant. "Environmentally permissible" is the lowest possible standard for environmental protection from a long-term source of pollution.

G5-4

No range of alternatives: Using these prejudicial criteria the dEIS fails to address substantive alternatives which we requested including meeting future electricity demand through energy conservation and efficiency improvements, the use of non-polluting renewable energy sources, the use of other less polluting fossil fuel alternatives such as natural gas, and lastly consideration of advanced technologies integrated gasification combined cycle (IGCC).

We are very disappointed that the dEIS is not responsive to our scoping concerns or the concerns of others. We believe that this dEIS is fatally flawed. We urge the BLM to drop the prejudicial criteria and fully comply with NEPA requirements of establishing a need for the project, providing a full range of alternatives, and doing an adequate analysis of direct and cumulative impacts of the alternatives. The dEIS should then be reissued for a full public review process.

Sincerely,

/s/

Dennis Ghiglieri
Conservation Chair
Toiyabe Chapter

G5-3 The criteria developed to evaluate alternatives were not designed to eliminate consideration of any alternative except traditional coal-fired power generation. Rather, the criteria were developed to determine whether alternatives were consistent with the purpose and need for the proposed project. See, generally, the response to Comment G1-28.

Although the commenter claims otherwise, other alternatives besides those requiring coal were found to provide traffic for the Nevada Northern Railway in the DEIS analysis, including biomass and municipal solid waste (see Table 2-4). Regarding the criterion of providing traffic for the Nevada Northern Railroad (NNR) contained in the DEIS, this objective was developed to support the purpose and need criterion of bringing economic benefits to the County, which currently does not have freight rail access. It is consistent with the purpose and need of the project (that is, to supply baseload power and bring economic benefits to the County) for the power plant to bring freight rail access to the County. White Pine County views this rail traffic criterion as a high-priority economic objective. As stated in a July 11, 2007, letter from White Pine County to the BLM (White Pine County, 2007), "[t]he development of water resources for power generation in Steptoe Valley and the ability to reinstate rail freight service on Class III track are basic to White Pine County's long term goals of strengthening and stabilizing the area's economy and improving the quality of life for all White Pine County residents." (White Pine County, 2007, , page 1). NNR railroad facilities were included in the Interim Development Agreement between White Pine County and WPEA for the proposed White Pine Energy Station (see Appendix A). Inclusion of the use of the NNR in the Purpose and Need Statement and as an alternative screening criterion in the DEIS and this FEIS is appropriate because it was a significant factor in locating the proposed White Pine Energy Station in Steptoe Valley.

Section 1.2.3, *Project Purpose*, in this FEIS has been expanded to discuss the meanings of specific terms used in evaluating the purpose and need. The "commercially proven and reliable" criterion refers to technologies that are operational at a commercial scale; can produce consistent, reoccurring results; are employed across numerous facilities; and do not require extended periods of testing and operational modifications to achieve the design performance.

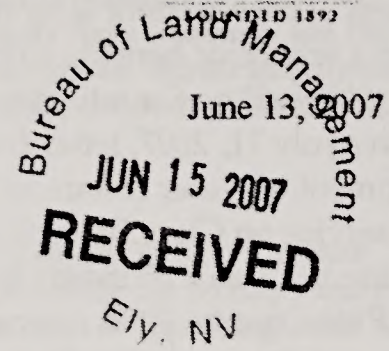
The criterion that compares the cost effectiveness of alternatives relative to pulverized coal reflects the fact that electricity produced with pulverized coal is the lowest-cost option and is part of the proposed project. Electricity is essential to the livelihood of citizens and businesses and is necessary for the provision of essential governmental services such as public safety, transportation, education, and others. Therefore, low-cost electricity is in the public interest, and cost effectiveness is a valid consideration for evaluating alternatives with respect to the purpose and need.

Finally, "environmentally permissible" means that the proposed project or possible alternatives must be able to meet all applicable environmental regulations and be capable of obtaining all other necessary permits and approvals. If it is predetermined that the project or alternatives are not environmentally permissible, it would be irrelevant to proceed with analyzing those options because they would never be allowed to commence construction. Beyond being environmentally permissible, the White Pine Energy Station would produce electricity in an environmentally responsible manner, meaning that the White Pine Energy Station would meet or exceed all applicable environmental regulations and that environmental considerations were taken into account in the plant design and construction procedures. See to the response to Comment G2-6 for additional discussion of environmentally responsible aspects of the project.

G5-4 As discussed in detail in the responses to U.S. Environmental Protection Agency (EPA) comments (see the response to EPA Comment F1-10), energy conservation and efficiency improvements are not sufficient to offset the growing demand for baseload power in the western United States; thus, energy conservation and efficiency are not a viable alternative to the purpose and need of providing baseload power. Renewable energy sources, natural gas fuel, and integrated gasification combined cycle (IGCC) were evaluated in detail (see the response to Comment G1-28 and Section 2.5.1, *Alternative Power Generating Technologies*, in this FEIS) but were found not to be reasonable and/or not to satisfy the purpose and need criteria for the proposed project. For additional discussions of why IGCC was not carried forward for further analysis, see the responses to Comments F3-1, F4-1, G1-28, G2-7, and G2-16).



Great Basin Group
Sierra Club
P.O.Box 8096
Reno, Nevada 89507



Jeffrey A. Weeks
Bureau of Land Management
Ely Field Office
HC 33, Box 33500
Ely NV 89301-9408

Dear Sir:

I am submitting comments on the Draft Environmental Impact Statement for the White Pine Energy electric power generating plant (issued on 4/20/2007) on behalf of the Great Basin Group of the Sierra Club (representing northern Nevada).

The Conservation Committee of Great Basin Group of the Sierra Club strongly supports the "No Action Alternative" of the DEIS. We consider Alternatives 1 and 2, which are very similar and offer only minor adjustments in the project plan, to not be in the best interests of the public and not a wise and proper use of public lands managed by the U. S. government at this time. Our basis for this selection rests partly on procedural objections to the content of the DEIS and partly on well grounded concerns about greenhouse gas emissions' effects on the planet as a whole and on the United States in particular.

Procedurally, we object to the following points in the DEIS which have led to the "preferred alternative" of allowing the proposed coal-fired power plant:

A) The six (6) key criteria (pp. 2.64-2.65) are open to question and dispute. These criteria seems to flow from DEIS Section 1.2.2 ("Purpose"). This section could be written from many perspectives, but the perspective given there is clearly one that favors the WPEA proposal over other courses of action. No wonder the preferred alternative is to approve the plant when the criteria for judgement are so far skewed toward it. Specifically, we question

- G6-1 | 1. Criterion 1 ("reliable baseload power"). The DEIS offers no quantitative arguments for why the capacity needs to fit the "reliable baseload" phrase. It is well known that power demand peaks during the daylight hours of the summer when especially cooling requirements are high. This daily demand peak extends into both spring and autumn for the electrical markets targeted by the proposed power plant. Intuition indicates that this market needs increments in peak, not baseload, power. We ask that Criterion 1 be re-evaluated in light of more probable market needs in the area which will be served.

G6-1 As documented in Section 1.2, *Purpose, Need and Background*, of this FEIS and the response to comment F1-10 from the EPA, there is a demonstrated current and future need for additional baseload generating capacity in the western United States. Based on the information in the previous text, new baseload generation is needed to satisfy growing demand in the western United States, and White Pine Energy Associates' (WPEA's) plans to construct additional baseload capacity are consistent with the documented needs of the market. See generally the response to Comment G1-28. The proposed Station is not intended to address the need for peaking capacity mentioned by the commenter.

Comment Letter G6

- G6-2 | 2. Criterion 3 ("cost effectiveness relative to pulverized coal"). The analysis is far too brief to unequivocally conclude that coal is a cheaper alternative than renewable energy sources. The analysis must be made considering all costs, and there are numerous and significant costs associated with the burning of fossil fuels which have not been addressed in this DEIS. First, the serious health effects of coal burning are well documented and have not been treated here. Second, the serious environmental degradation caused by coal production and transportation have not been treated here. Third, the serious loss of visual clarity associated with coal burning is a financial consideration for the surrounding area which now enjoys nearly pristine air quality, certainly a draw for visitors and prospective residents. Lastly, we point out that the cost comparison for various alternative energy systems in this DEIS is based on a constant cost for coal resources. A full and balanced economic appraisal should consider the likely cost increases associated with coal production and transportation as oil and gas supplies become even more subject to increasing "world" market prices.
- G6-3 | 3. Criterion 5 ("place water held by White Pine Co. for power production in Steptoe Valley to beneficial use for power production"). At best this criterion seems contrived. Why does this project need to solve White Pine County's water issues? In fact, this water may have beneficial uses other than power generation; but no other possibilities were addressed in this DEIS. We strongly suspect that other beneficial uses could be found for these water rights and that they would have far less negative impact than coal-fired power generation. We ask that Criterion 5 be removed from the list.
- G6-4 | 4. Criterion 6 ("provide traffic for the NNR"). Again, this seems contrived. Again, why should this project need to solve problems that exist for local jurisdictions and private entities? This does not seem to be a legitimate concern for this DEIS and it naturally weighs greatly in favor of the preferred alternative. We therefore ask that it be removed from the list of criteria.

B) The analysis of alternative energy solutions is too brief, cursory, and lacking basic justifications. We address specifically the inadequate development of Section 2.5.1 ("Alternative Power Generating Technologies") in the DEIS:

- G5-5 | 1. Section 2.5.1.1.1 Wind. The fact that wind cannot offer baseload capacity due to the fact that winds mostly prevail during daylight hours cannot be used as an argument against wind energy. Energy demand peaks occur during daylight hours, especially for the hot areas (e.g., Las Vegas) which are targeted by this power generation. Daytime cooling demands for energy would be well served by wind power generation. A sound analysis of the power needs must account for the proportions of baseload and peak power which are truly needed. Moreover, wind power should not be discounted on Criteria 5 and 6, which we have already argued against keeping. Lastly, there is evidence that higher wind towers will benefit from nighttime sustained winds, which may even be greater than daytime winds.
- G6-6 | 2. Section 2.5.1.1.2 Solar. The DEIS repeats much of the argument against wind energy in regard to solar energy, and we counter for the same reasons as for wind. Solar energy generation is well suited to peak power demands in the daytime, and a thorough analysis of the needs would address the peak-versus-baseload requirements and the ability of alternative energy to provide for peak

G6-2 Regarding externalized costs such as those related to health impacts or decreased visibility, the National Environmental Policy Act (NEPA) does not require an EIS to attempt a quantification and analysis of such costs, and the White Pine Energy Station DEIS and this FEIS do not do so. The appropriate forum for taking into account such costs is the legislative and policy arena, and society's determinations regarding such costs are reflected in the laws and regulations adopted by Congress and the regulatory agencies. The White Pine Energy Station would be required to comply with State and Federal environmental laws and regulations that reflect the chosen balance between benefits, environmental impacts, and any external costs. Additionally, the commenter mentions the impacts of coal mining activities. It is noted that these activities are addressed as required in separate impact analyses for the coal mining areas. The White Pine Energy Station may obtain coal from any of several mines in the Wyoming Powder River Basin. The BLM recently completed an EIS for mining coal from federal tracts adjacent to five of those mines. The impacts of the coal mining activities are addressed in the BLM Records of Decision for these tracts, available at <http://www.blm.gov/wy/st/en/info/NEPA/cfodocs/prbcoal-rods.html>.

Therefore, the DEIS and this FEIS appropriately focus on the reasonably quantifiable monetary costs associated with developing and operating the various technologies under the applicable regulatory regime. These costs are documented in Section 2.5, *Alternatives Considered but Eliminated from Detailed Evaluation*.

G6-3 See, generally, the response to Comment G1-28. Regarding the criterion of putting water rights held by White Pine County for energy production in Steptoe Valley to a beneficial use in producing energy, this criterion was developed to allow assessment of the purpose and need of bringing economic benefits to the County. It is consistent with the general purpose and need of the project (that is, to supply baseload power and bring economic benefits to the County) for these water rights to be used by the White Pine Energy Station, thus generating jobs and income (that is, economic benefits) for the County. In 1983, the State Engineer issued an order designating Industrial/Power Generation as the preferred use of ground water in Steptoe Basin. If these water rights are not utilized, the State Engineer could assign them to another use for another entity, potentially eliminating the economic benefits desired by White Pine County.

White Pine County views this beneficial water rights use criterion as a high-priority economic objective. As stated in a July 11, 2007, letter from White Pine County to the BLM (White Pine County, 2007), "[t]he development of water resources for power generation in Steptoe Valley and the ability to reinstate rail freight service on Class III track are basic to White Pine County's long term goals of strengthening and stabilizing the area's economy and improving the quality of life for all White Pine County residents." Therefore, this criterion will not be removed from the list.

It is additionally noted that no alternative was eliminated from further consideration based solely on the water use criterion.

G6-4 Regarding the criterion of providing traffic for the Nevada Northern Railroad (NNR) contained in the DEIS, this objective was developed to support the purpose and need criterion of bringing economic benefits to the County, which currently does not have freight rail access. It is consistent with the purpose and need of the project (that is, to supply baseload power and bring economic benefits to the County) for the power plant to bring freight rail access to the County. White Pine County views this rail traffic criterion as a high-priority economic objective. As stated in a July 11, 2007, letter from White Pine County to the BLM (White Pine County, 2007), "[t]he development of water resources for power generation in Steptoe Valley and the ability to reinstate rail freight service on Class III track are basic to White Pine County's long term goals of strengthening and stabilizing the area's economy and improving the quality of life for all White Pine County residents." (White Pine County, 2007, page 1). NNR railroad facilities were included in the Interim Development Agreement between White Pine County and WPEA for the proposed White Pine Energy Station (see Appendix A). Inclusion of the use of the NNR in the Purpose and Need Statement and as an alternative screening criterion in the DEIS

and this FEIS is appropriate because it was a significant factor in locating the proposed White Pine Energy Station in Steptoe Valley. Although the commenter believes that the rail traffic criterion contained in the DEIS naturally weighs greatly in favor of the preferred alternative, it is noted that four other alternatives besides the preferred alternative (that is, biomass, municipal solid waste, CFB, and IGCC) satisfied this criteria. It is additionally noted that no alternative was eliminated from further consideration in the DEIS based solely on the rail traffic criterion.

- G6-5** See, generally, the response to Comment G1-28. An important project purpose and need is the ability to supply baseload energy. (The proposed Station is not intended to address a need for peaking power. See the response to Comment G6-1.) Baseload generation sources are intended to meet the constant demand for power that exists 24 hours per day. As discussed in detail in the responses to U.S. Environmental Protection Agency (EPA) comments in Letter F1 (reference response to Comment F1-10) and in the response to Comment G6-1, there is a demonstrated need for baseload power throughout the western United States. Wind is not always available to meet this constant demand for power and thus cannot be relied upon as a baseload resource. As a result, wind power cannot satisfy the purpose and need for the project.

While wind power would not put White Pine County's water rights to beneficial use or provide traffic for the NNR, the primary factor in the evaluation of wind power was its inability to provide baseload power.

Lastly, although the commenter suggests that higher wind towers would benefit from nighttime sustained winds, the commenter does not provide any evidence or justification demonstrating that higher towers could render wind power a viable baseload resource. Thus, wind power still cannot be considered a viable baseload resource. It is also noted that taller towers could potentially present increased hazards for civilian and military aviation and could potentially interfere with civilian and military radar systems, a significant concern in Nevada.

- G6-6** An important project purpose and need is the ability to supply baseload energy. Baseload generation sources are intended to meet the constant demand for power that exists 24 hours a day. As discussed in detail in FEIS Section 1.2, *Purpose, Need, and Background*, and the responses to EPA comments in Letter F1 (see the response to Comment F1-10), there is a demonstrated need for baseload power throughout the western United States. Solar energy is not a baseload generating resource; therefore, solar power cannot satisfy the purpose and need for the project.

Although the commenter takes exception to the acreage estimate in Section 2.5.1.1.2, *Solar*, the conclusion of the Environmentally Permittable section was that solar energy should be permittable in Nevada. Therefore, the acreage estimate did not influence the outcome of the alternatives analysis. While the commenter does not provide the name of the concentrated solar facility that is now operating in southern Nevada, it is assumed the commenter was referring to Nevada Solar One, a peak 64-megawatt (MW) thermal solar facility utilizing a 350-acre solar collection grid (NDEP Factsheet for Industrial Process Wastewater Permit NEV2007503). Scaling these values to an output of 1,590 MW would result in a collection grid area of approximately 8,700 acres. Additional footprint would be expected to be required for support activities such as administration, maintenance, and evaporation ponds. This FEIS has been updated to incorporate the projected footprint of a 1,590-MW thermal solar collection grid.

Also, see the response to Comment G1-28.

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G6-6 (cont.) ↑ requirements. We take further exception to the slanted arguments of the DEIS against solar on the basis of its "footprint". First, the footprint quoted here, roughly 20,000 acres to produce 1.6 GW of power, is surely exaggerated in comparison to the footprint extrapolated from the concentrated solar facility now operating in southern Nevada. The DEIS needs to revisit the estimates of the solar footprint. Second, this footprint estimate entirely ignores the footprint required for the coal extraction to feed the coal-fired plant over its lifetime. This is undoubtedly thousands of acres and must be properly estimated to make a valid comparison. The fact that the coal extraction happens at another site is no reason to ignore it as an environmental impact to be treated in this DEIS.

G6-7 3. Section 2.5.1.1.4 Geothermal. This section starts curiously by claiming that it "is not available in sufficient capacity in White Pine County." While we agree with this statement, we question why it is assumed that the power capacity needs to be located in White Pine County. The federal government manages millions of acres elsewhere in Nevada where geothermal energy is deemed to be abundant. Development of those resources, most likely spread over many sites, should be able to supply the capacity equal to the project proposed here in White Pine County. Again, arguments for this project cannot properly be made on the basis of the best interests of White Pine County -- this is not acceptable in the case of federal public lands.

G6-8 4. Entirely left out of the analysis here is the possibility of using alternative energy sources such as wind or solar to drive a pumping mechanism to move water upgrade to storage ponds (so-called "pumped storage hydroelectricity"). This could provide "baseload" capacity by charging the system during hours when wind or solar energy was prime and then releasing this energy (hydropower) during non-prime hours. This is proven technology, with many applications already in the United States. Such a "hybrid" renewable energy system would, conveniently, use the White Pine County water rights which are put forth as a criterion in the DEIS. We offer this omission of a "hybrid" system as an example of how the DEIS is deficient in considering options to the conventional fossil-fuel plant thinking.

G6-9 We question the basis for removal of consideration of energy conservation and efficiency as an alternative, as discussed in Section 2.5.2 of this DEIS. It simply defies the intent of "Environmental Impact Statement" if alternatives that has little or no environmental impact are not considered in the decision making. We believe that it is appropriate, now more than ever, to consider all alternatives to a coal-technology plant which would produce massive amounts of greenhouse gases over its lifetime.

End of procedural objections.

G6-10 On very basic premises, we object to ignoring the generation of greenhouse gases (primarily CO₂) in this DEIS. We do understand that the EPA at this moment in time has no regulatory guidance on this issue and that the DEIS can therefore, in principle, correctly ignore the issue. However, we believe that this DEIS arrives only a short time before such guidance will be issued. Our belief rests on 1) the very recent IPCC issuance of Climate Change 2007, which makes the case that "it is likely that anthropogenic warming has had a discernible influence on many physical and biological systems"; 2) on the very recent U. S. Supreme Court judgement that the EPA can and should be controlling greenhouse gases; and on the very recent commitments from the United States President (G8 Summit Meeting, June 7, 2007) to reduce

- G6-7** An important component of the project purpose and need is the ability to provide economic benefit to White Pine County. An array of geothermal plants scattered around the state would not satisfy this component of the purpose and need. In addition, there is currently no plan for Nevada or the region to develop 1,500 MW of geothermal resources in the applicable time period, and the geothermal resources that are planned for development are taken into account in the projections of need for additional baseload capacity. An additional problem with the scattered array approach is that this configuration would not be expected to be able to support the transmission infrastructure that would be needed to distribute the power to the western United States. Conversely, the proposed White Pine Energy Station coal-fired plant would be located in White Pine County and would provide economic benefits as documented in various sections of this FEIS. Additionally, the proposed Station would contribute to the feasibility of a transmission line that would distribute the power to the western United States. This transmission line would also facilitate the development of intermittent resources (for example, wind and solar) in the area that would not be viable without the transmission infrastructure. See, generally, the response to Comment G1-28.
- G6-8** There is no assurance that the commenter's proposed "pumped storage hydroelectricity" would be capable of providing true baseload electricity. For example, it is unknown whether the alternative energy source (wind or solar) would have sufficient excess capacity to pump water upgradient and provide for non-prime hours. Because baseload energy is intended to meet the constant demand for power that exists 24 hours a day, this type of uncertain reliability is not acceptable. Additionally, the relatively low energy density of pumped storage systems requires either a very large body of water or a large variation in height. For example, 1,000 kilograms of water (1 cubic meter) at the top of a 100-meter tower has a potential energy of only about 0.273 kWh. The only way to store a significant amount of energy is by having a large body of water located on a hill relatively near, but as high as possible above, a second body of water. Because of the topography in the area, it is not expected that a sufficient upgradient or downgradient storage space (that is, two very large reservoirs) would be available to supply such a system, and the amount of surface water that would be required would be enormous. Therefore, a pumped storage hydroelectricity system is not considered a reasonable and feasible alternative to the proposed project.
- G6-9** While energy efficiency and conservation measures can offset some electrical demand, these measures alone will not meet the overall need for electricity in the future. As discussed in detail in the responses to Comment F1-10 by the EPA, G1-28, and Comment G6-1, there is a demonstrated need for new baseload power in the western United States, even when reasonably expected conservation and efficiency programs are taken into account. Because a need for new baseload power exists regardless of conservation or energy efficiency programs, new baseload power generation is a valid project purpose and need, and conservation and energy efficiency is not considered a reasonable alternative for meeting that need.
- G6-10** Greenhouse gas emissions were addressed in the DEIS. A discussion of greenhouse gas emissions, including the projected carbon dioxide emission rate for the proposed Station, was included in DEIS Section 3.6.1.1.10 and 4.6.1.3.9.

Further analyses of climate change have been added to this FEIS. Section 3.6.2, *Climate Change*, has been revised to include a broad discussion of the currently observed impacts to resources associated with climate change. Section 4.6.2, *Climate Change*, has been added to this FEIS to describe projected future changes in climate, along with discussions of the various factors thought to influence climate. Section 4.19.3.6.1, *Air Quality*, has been revised to discuss the potential incremental cumulative impacts of emission sources on climate change. Finally, Appendix M, *Understanding and Evaluating Climate Change*, has been added to this FEIS. The potential cumulative impacts of all global carbon dioxide emissions are summarized in Section 4.19.3.6.1, *Air Quality*, and in Appendix M, *Understanding and Evaluating Climate Change*, of this FEIS.

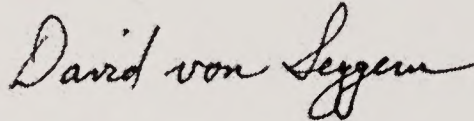
As shown in Appendix M, because of the low level of carbon dioxide emissions from the proposed White Pine Energy Station compared to the total emissions in the global carbon cycle (carbon dioxide emissions from the Station would represent 0.001 percent (1 one-thousandth of 1 percent) of the total global carbon dioxide emissions) and the uncertainty in the global estimates of the relevant parameters, it is not possible to meaningfully predict any climate impacts that would be expected from the White Pine Energy Station (or several new plants considered together). This uncertainty is increased by an inability to predict the course and effectiveness of the technological, political, regulatory, and business responses to climate change over the coming decades, which appears to be developing with increased rapidity in response to the findings of the Intergovernmental Panel on Climate Change (IPCC) and other evidence of changing climate. Therefore, it is not possible to quantify any direct, indirect, or cumulative environmental impacts associated with carbon dioxide emissions from the White Pine Energy Station.

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Comment Letter G6

greenhouse gas emissions over the long term. Clearly, this issue has gained widespread recognition across the world and within the United States, and U. S. governmental policy changes will surely follow soon. Therefore, we believe that the preferred alternative amounts to sneaking through the closing gate on greenhouse gas emissions and that the "No Action" alternative is very much in line with current thinking and future policy. We therefore suggest that a "hold" be placed on future generation of greenhouse gases such as will result with a decision for the preferred alternative. Taking the "No Action" alternative is reasonable and judicious at this time.

Respectfully yours,

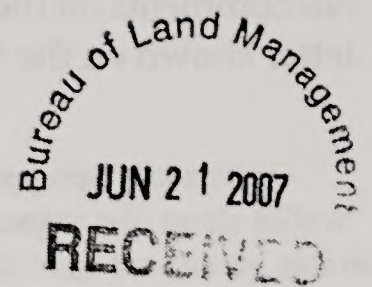
A handwritten signature in cursive script that reads "David von Seggern". The signature is written in dark ink and is positioned above the printed name.

David von Seggern, Chair

Conservation Committee, Great Basin Group of the Sierra Club

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

White Pine Energy Station DEIS



In response to the proposed White Pine Energy Station DEIS, Utah Physicians for a Healthy Environment and the Wasatch Clean Air Coalition endorse the comments of the Western Resource Advocates, et al, and offers these additional comments: **We would like these to be added to the public record:**

G7-1 | NEPA requires consideration of ALL FEASIBLE ALTERNATIVES. The scope of the DEIS alternatives is limited to one alternative site and the statutory no action alternatives. Other alternatives to the proposed project would also meet the objectives of electricity in the western US and economic development in White Pine County and should have been considered. General statements in ES.2.4 do not satisfy NEPA requirements. The U.S. Department of Energy has invested millions of dollars of public money into development of clean coal technologies. A formal analysis is needed before rejecting these emerging technologies as infeasible. The DEIS clearly states in section 3.6 and 4.6 that there are potential exceedences of visibility standards in Jarbridge Wilderness and Zion N.P. This is unacceptable and design alternatives need to be considered.

G7-2 | We feel that the WPES poses a serious threat to the health of Utah residents, especially the one million citizens along the Wasatch front communities of Salt Lake City, Ogden and Provo greater metropolitan areas. This is approximately 150 miles from WPES. The cumulative impacts of WPES along with several other proposed coal fired power plants were analyzed (Newmont Gold Coal -fired Power Plant, Toquop coal fired pp, Ely Energy Center); but there is no mention anywhere in the DEIS how the health and well-being of Utah residents would be affected by power plant emissions.

G7-3 | The analysis of air pollution is not adequate: The DEIS does not consider PM2.5 even though a federal PM2.5 standard is now in effect and PM2.5 is a criteria pollutant. It is likely that most of the PM emissions from the plant operation will be PM2.5 which travels long distances. PM2.5 limits are lower than PM10 limits but plant PM impacts were compared only to the PM10 standard. The DEIS does not consider coarse PM (2.5-10 micron) separately. Coarse PM is likely to be regulated by EPA during the plant life time.

G7-4 | The DEIS states that "Dispersion modeling demonstrates that acid deposition and visibility standards would be exceeded at Great Basin NP and Ruby Lake NWR. The prevailing winds at the Station site are from the south-southwest, which indicates that air-borne pollutants that could contribute to visibility degradation would travel toward the Tooele location more frequently than the Milford-Delta location." Again, what about the *Wasatch front communities*? Why weren't they included in the dispersion modeling? They are only a short distance from Tooele.

G7-1 See, generally, the response to Comment G1-28. The DEIS and this FEIS consider a reasonable range of alternatives to the proposed project. Section ES.2.4 of the Executive Summary of the DEIS (and of this FEIS) is a summary section only, and the feasibility of the various potential alternatives is documented in more detail in Section 2.5, *Alternatives Considered but Eliminated from Detailed Evaluation*. Those alternatives that were not reasonable or did not meet the project purpose and need were eliminated from detailed consideration

Regarding the visibility comments, Section 3.6.1, *Air Quality*, of the DEIS does not conclude that there will be regulatory exceedances. Although Section 4.6.1.3.8, *Class I Area Dispersion Modeling Results*, of the DEIS discussed exceedances of visibility criteria for Zion National Park and Jarbidge Wilderness Area, these criteria are not limits; rather, they are evaluation criteria above which the Federal Land Managers (in this case the National Park Service and USDA Forest Service) are instructed by their guidance to evaluate the frequency, magnitude, and duration of the impacts. As part of the air permitting process for the proposed White Pine Energy Station, Nevada Division of Environmental Protection-Bureau of Air Pollution Control (NDEP-BAPC) provided the Federal Land Managers with copies of the air permit application (including visibility analyses) and the draft air permit for the White Pine Energy Station. Since the writing of the DEIS, the comment period for the draft air permit for the Station has closed. Neither of the Federal Land Managers determined that the Station would create adverse impacts to air quality related values at the parks; therefore, impacts on Zion National Park and Jarbidge Wilderness Area are not considered adverse.

G7-2 A definition for the National Ambient Air Quality Standards (NAAQS) has been included in Section 3.6.1.1, *Background Data*, of this FEIS. The new text states that the Clean Air Act requires the U.S. Environmental Protection Agency (EPA) to set NAAQS for pollutants considered harmful to public health and the environment. The Clean Air Act established two types of national air quality standards. Primary standards set limits to protect public health, including the health of "sensitive" populations (for example, asthmatics, children, and the elderly) against the effects of the pollutants noted below. Secondary standards set limits to protect public welfare, including protection against decreased visibility, damage to animals, crops, vegetation, and buildings. The EPA has established NAAQS for six principal pollutants, which are called "criteria" pollutants and include particulate matter, carbon monoxide, ozone, sulfur dioxide, nitrogen dioxide, and lead." Based on these standards and the analyses conducted in Section 4.6.1.3.5, *Class II Area Dispersion Modeling Results*) and the revised Section 4.19.3.6.1, *Air Quality*, of this FEIS, which apply to all ambient air including air in Utah, cumulative impacts resulting from all the projects are not expected to exceed the NAAQS. Therefore, the health and well-being of Utah residents is not expected to be negatively impacted. Additionally, Appendix L, *Cumulative Analysis for Air Quality*, has been added to this FEIS.

G7-3 The DEIS and this FEIS include a comprehensive analysis of PM₁₀ impacts, which demonstrates that predicted PM₁₀ impacts are below the applicable NAAQS and PSD increment standards. With respect to fine particulate (PM_{2.5}), the Station's PSD air quality analysis relied on the PM₁₀ analysis, consistent with EPA guidance and rulemaking, to provide a basis for demonstrating compliance with PM_{2.5} requirements. Therefore, the evaluation of PM₁₀ as a surrogate for PM_{2.5} is consistent with the applicable new source review regulations and EPA guidance for demonstrating compliance with PM_{2.5} requirements under the Clean Air Act. An additional evaluation has been included in Sections 4.6.1.3.5 and 4.19.3.6.1 of this FEIS to compare predicted PM_{2.5} impacts to the PM_{2.5} NAAQS. As documented in these sections, predicted PM_{2.5} concentrations are less than the applicable NAAQS.

G7-4 It appears that this commenter is referencing Section 4.6.1.3.5, *Class II Area Dispersion Modeling Results*, of the DEIS. The situations described in this comment are not accurate. There is no visibility standard for Class II areas, which included Great Basin National Park and Ruby Lake National Wildlife Refuge; therefore, a visibility standard cannot be exceeded. Additional analyses have been conducted on cumulative impacts in this FEIS (see revised Section 4.19.3.6.1, *Air Quality*), which found that no adverse effects are expected. This includes impacts from sulfur and nitrogen deposition.

In response to the concern regarding air quality impacts to communities on the Wasatch Front Range, cumulative impacts resulting from the proposed White Pine Energy Station, existing sources, and anticipated future projects are not expected to create any violation of the NAAQS, which were established to protect public health and the environment. See FEIS Section 4.19.3.6.1 and Appendix L. These air quality analysis results apply to the Wasatch Front, along with Tooele and all other areas of Utah. Also see the response to Comment G7-2.

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Continued from page 1

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The DEIS states that there will be Sulfur dioxide emissions of 6,108 tons per year and Nitrogen oxides emissions of 4,761 tons per year. Sulfur dioxide and nitrogen oxides react with other substances in the air to form acids, which fall to earth as rain, fog, snow, or dry particles. Some may be carried by the wind for hundreds of miles. Acid rain damages forests and crops, changes the makeup of soil, and makes lakes and streams acidic and unsuitable for fish. Sulfur dioxide also accelerates the decay of building materials and paints, including irreplaceable monuments, statues, and sculptures. **We the citizens of Utah don't desire to be in a downwind situation with respect to Nevada air pollution.**

According to Jackson Marufi, PhD Meteorologist in *GEOPHYSICAL RESEARCH LETTERS*, VOL. 31, L13106, doi:10.1029/2004GL019771, 2004

"The August 2003 North American electrical blackout provided a unique opportunity to quantify directly the contribution of power plants to regional haze and Ozone. Airborne observations over central Pennsylvania on August 15, 2003, 24 h into the blackout, revealed large reductions in SO₂ (>90%), O₃(50%), and light scattered by particles(70%) relative to measurements outside the blackout region and over the same location when power plants were operating normally and the visual range increased by >40 km. This clean air benefit was realized over much of the eastern U.S. Reported SO₂ and NO_x emissions from upwind power plants were down to 34 and 20% of normal, respectively. The improvement in air quality provides evidence that transported emissions from power plants hundreds of km upwind play a dominant role in regional haze and Ozone production."

It seems that Nevada is considering approving Newmont Gold Coal-fired Power Plant, Toquop Coal fired PP, Ely Energy Center and White Pine. Any of these coal fired PP and certainly their combined effect would have a deleterious influence on the health of a million people living along the Wasatch front, which is likely to be non attainment for Pm_{2.5}. It was claimed that White Pine would not be a significant source of ozone based on the ratio of nitric oxide to organic emissions from the plant. This ignores that interaction of plant-emitted NO with organics in smoke from regional forest fires.

Section 3.6.1.1.2 Forest fire emissions contribute significantly to ozone formation in the rural west and the interaction of the plant emissions with regional smoke should be considered.

The lack of on-site ozone monitoring is a serious omission.

G7-5 | The Table 3.6-1 data indicate that ozone at Great Basin NP was at the 8-hr ozone standard in 2002 and nearly every year has reached greater than 95% of the standard. This suggests that any additional ozone precursor sources could result in exceedances at the most impacted point. This is inconsistent with PSD rules. Summer background ozone in the west is already close to the new proposed standard. In summary The DEIS has no modeling data for dispersion of air pollutants and their effect on one million residents that are 150 miles away from proposed plant. These air pollutants have been associated with sudden death, asthma, coronary disease, chronic airway obstruction, lung cancer, prematurity and low birth weight infants. Given that this coal fired plant and others proposed will affect the health and well

G7-5 While the commenter states that “any additional ozone precursor sources could result in exceedances at the most impacted point,” it should be clarified that ozone formation chemistry is complex, and under certain conditions, reductions in the concentration of an ozone precursor may cause increased ozone concentrations.

The monitored concentration appropriate for comparison with the 8-hour ozone standard is a 3-year average. Table 3.6-1 in this FEIS has been edited to better reflect the monitored data and the values to be compared with the standard. Additional information on ozone, the analysis conducted, and the results have been included in FEIS Section 3.6.1.1.2, *Ozone*, Section 4.19.3.6.1, *Air Quality*, and Attachment 2 of Appendix L, *Cumulative Analysis for Air Quality*, of this FEIS.

The NDEP-BAPC reviewed and approved White Pine Energy Associates’ (WPEA’s) PSD air permit application, including the results of the ozone analysis based on the empirical kinetic modeling approach (EKMA) methodology (which was the same methodology used in the DEIS and FEIS ozone analysis). Therefore, the ozone analysis was not inconsistent with PSD rules. The air quality analysis for the White Pine Energy Station shows that the Station is not expected to cause or contribute to any violation of the NAAQS for any pollutant; thus, no adverse health effects are expected for any residents of the region, including residents 150 miles away.

being of Utah citizens, we feel that added health care costs to Utah residents be included in this DEIS as part of cost benefit analysis.

Toxicity from Mercury is a major concern to the citizens of Utah.

G7-6

In Section 3.6.1.1.9 The DEIS does not evaluate *mercury* adequately. No background monitoring for *mercury* was done. This is a serious omission. Although DEIS states that background concentrations are assumed negligible, this is inconsistent with recent evidence of widespread *mercury* contamination of water bodies in NV, UT, and across the United States. Forty five states have issued advisories for not eating fish that contain elevated levels of mercury caught in certain lakes, streams and other bodies.

Coal-fired power plants are the largest source of uncontrolled *mercury* emissions, generating 48 tons of mercury emissions per year nationwide. Nearly all of the coal burned in the United States is contaminated with trace levels of *mercury*. Most of this *mercury* falls back down to the earth in rainwater, accumulating in sediment and plants, and then concentrating up the food chain in fish, other wildlife and ultimately, in people. When power plants burn coal, mercury can deposit onto land or water bodies within 50 to 500 miles of its source (oxidized and particulate-bound mercury) or be transported long distances within air masses. Nationally, EPA estimates that 33 percent of total U.S. mercury deposition is from U.S. power plants. It is important to note that this estimate of national deposition obscures the impact of local sources on mercury hot spots, or areas with high levels of mercury deposition.

Mercury deposition is already a problem in Utah. *Mercury* deposits where ground level ozone is high and salt is prevalent, conditions common at the Great Salt Lake. The U.S.G.S. and Fish and Wildlife Service researchers studying the Great Salt Lake have found alarmingly high levels of *mercury* in the water and in birds that feeds on the lake's brine shrimp. Concentrations of methyl *mercury*, the element's organic and most poisonous form, were some of the highest ever found in an inland waterway, exceeding 25 nanograms per liter of ***Great Salt Lake*** water. For comparison, fish consumption warnings in the Florida Everglades were posted when water there was found to have 1 nanogram per liter. People swim in the GSL. Utah is the only state with mercury advisories for waterfowl. In 2005 Northern Shoveler and Cinnamon Teal advisories were issued; in 2006, the Common Goldeneye was added to the list.

The Utah Department of Environmental Quality has issued several rounds of advisories for elevated levels of mercury in trout. Rivers and lakes in Northern and Southern Utah are already contaminated with mercury, prompting warnings about eating these fish.

All of the fish samples that the EPA tested from the nation's lakes and rivers in the 1990s were contaminated with mercury. The mean *mercury* concentration of the 520 fish samples was 0.22 ppm, or nearly twice EPA's safe limit for women of average weight who eat fish twice a week. 100% of fish samples collected in Nevada exceeded safe *mercury* limit for women. Carson River and Lahontan Reservoir in Nevada currently have *mercury* advisories.

G7-6

A new Section 3.6.1.1.7, *Mercury*, has been added to this FEIS that discusses mercury, mercury emissions trends in Nevada, and existing mercury levels in Nevada. A new Section 4.6.1.1.6, *Mercury*, also has been added to this FEIS to more fully discuss the impacts of airborne mercury to surface waters and associated biota. Additional information is presented in Appendix L, *Cumulative Analysis for Air Quality*, that has been added to this FEIS. See the response to comment G1-2 for further discussion of mercury and predicted mercury impacts.

In Feb, 2004, The EPA's top *mercury* scientist has found that 630,000 American children, one in every six, are born each year with potentially unsafe levels of *mercury* in their blood.

In March 2001 the Centers for Disease Control and Prevention issued a report on mercury. While "average" blood mercury levels among women were not of concern, the data indicates that in fully 10 percent of American women (roughly 7 million women of childbearing age) *mercury* levels were above the level that may put a fetus at risk for adverse nervous system effects. These women surely don't need more mercury in their system, least of all if they are already pregnant or nursing.

Additional research, reported in 2004 by the EPA, concluded that unborn children have much higher levels of mercury in their blood than their mothers do. As a result of these findings, EPA had to double the number of babies it estimated were born each year with unsafe levels of mercury to 630,000.

Mercury is also currently being investigated as a possible contributor to autism. The incidence of autism has increased 10-fold from 6 in 10,000 in the 1980s (Blaxill 2004), to about 60 in 10,000 today. In the longer term, the solution is to halt mercury pollution from coal-burning power plants and other sources so the contamination of fish is avoided in the first place.

In March, 2005 attorney generals from nine states filed a lawsuit challenging a federal Environmental Protection Agency (EPA) rule that they allege fails to protect the public from harmful *mercury* emissions from coal-fired power plants, which they say pose a grave threat to the health of children. The suit challenged an EPA rule that removed power plants from the list of pollution sources subject to stringent pollution controls under the federal Clean Air Act.

Because there is no data whatsoever on cumulative impacts from mercury emissions at **White Pine and other proposed coal fired power plants and from the large Nevada gold mines**, there is good reason to assume that the State of Nevada and its Dept of Environmental Protection would be vulnerable to similar litigation if these coal powered plants were approved.

Global warming

G7-7

Coal-fired power plants are a major source of the carbon dioxide emissions that are causing climate change which is threatening the very existence of our planet. In addition to White Pine, there are **cumulative impacts** from other plants-Newmont Gold Coal -fired Power Plant, Toquop coal fired pp, Ely Energy Center. The DEIS didn't consider that 14 coal fired pp are being considered for the Southwest. Carbon dioxide emissions for these plants would total 70 million tons each year, more than a 40% increase over the region's current burden from the same sector. White Pine's projected CO2 emissions are 5,500,000 tons per year. Ely Energy Center is projected to emit 12,600,000 tons per year of CO2. This would be the largest source of greenhouse gas emissions among the new coal fired pp. If the more than a dozen coal-fired power plants planned for Arizona, Colorado, Nevada, New Mexico and Utah begin operating, they would emit global warming pollution equivalent to the tailpipe exhaust of 12.5 million cars driving around the Southwest for a year. New plants, if built

G7-7 Further analyses of climate change have been added to this FEIS. Section 3.6.2, *Climate Change*, includes a broad discussion of the currently observed impacts to resources associated with climate change. Section 4.6.2, *Climate Change*, has been added to this FEIS to describe projected future changes in climate, along with discussions of the various factors thought to influence climate. Section 4.19.3.6.1, *Air Quality*, has been revised to discuss the potential incremental cumulative impacts of emission sources on climate change. Finally, Appendix M, *Understanding and Evaluating Climate Change*, has been added to this FEIS. The potential cumulative impacts of all global carbon dioxide emissions are summarized in Section 4.19.3.6.1, *Air Quality*, and in Appendix M, *Understanding and Evaluating Climate Change*, of this FEIS.

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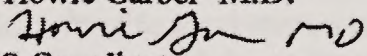
with conventional technology, will continue to pollute the atmosphere for decades. The White Pine Plant, if built, will be a polluting "dinosaur" for many years to come.

Coal is not the only local resource that can be used to meet the Southwest's growing power demand. The region is rich in renewable resources including solar, wind, biomass and geothermal energy sources. Energy efficiency is perhaps the most overlooked energy resource. The Southwest Energy Efficiency Project has concluded that available and proven energy-efficiency measures that could be implemented in the next 15 years could entirely eliminate the need for twenty-six 500-MW power plants in six western states.

California law precludes California cities and power companies from buying electricity from new coal plants that fail to address global warming. In April 2007 the Supreme Court ruled that the EPA violated the Clean Air Act because of its refusal to regulate greenhouse gases with regard to new vehicle emission standards.

G7-8 | In summary, air pollutants from White Pine have been associated with sudden death, asthma, coronary disease, chronic airway obstruction, lung cancer, prematurity and low birth weight infants. Given that this coal fired plant and others proposed will affect the health and well being of Utah citizens, we feel that added health care costs to Utah residents should be included in this DEIS as part of cost benefit analysis.

G7-9 | Because of many reasons outlined above the DEIS is completely inadequate in addressing air pollution, added health care costs, global warming, and mercury toxicity.
We, the citizens of Utah, don't desire to be the recipient of air pollution from Nevada.
Copies of this letter have been sent to the Nevada Div of Env. Protection, Senator Harry Reid, Nevada Gov Jim Gibbons, Utah Gov Jon Huntsman Jr.

Howie Garber M.D.

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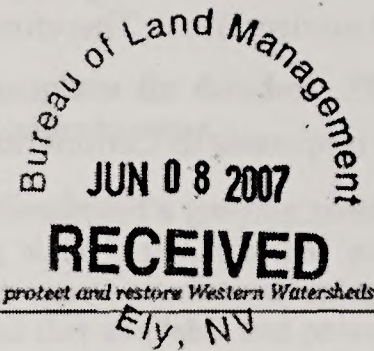
Gerald H. Ross, M.D.
Richard Kanner, M.D
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. Zell McGee, M.D
Thomas Kennedy, M.D
Cris G Cowley. M.D.

G7-8 As a result of this and other comments, Section 4.19.3.6.1, *Air Quality*, has been revised to expand the cumulative analysis. As discussed in this section, the White Pine Energy Station is not expected to cause or contribute to any violations of the NAAQS, which were established to protect public health and the environment. Therefore, no added health care costs would be expected for Utah or any other state.

G7-9 See the responses to Comments G7-2 through G7-8.



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June 4, 2007

RE: White Pine Energy Station Project DEIS

To: Mr. Jeffrey A. Weeks

Dear BLM,

Here are comments of Western Watersheds Project on the proposed White Pine Energy Center DEIS and many associated unassessed activities. Please apply them to all parts of the process, as well as the process for the neighboring and inter-related Ely Energy Center.

G8-1 | BLM must fully reveal and present to the public the entire development of SWIP. Months ago, in trying to comment on the connected White Pine Energy Center, we contacted Idaho BLM (who your Ely staff said would have info) and have so far been unable to obtain any maps or information. This is outrageous. These are supposed to be public environmental review and disclosure processes, and there are many connected, linked and foreseeable powerline and development corridors being created and/or constructed, with processes purposefully segmented by power companies and federal agencies.

How can an agency produce a DEIS (and also have a White Pine scoping period) that does not include consideration of the full layout and effects of a massive new energy corridor, that may be linked to Northern Lights, DOE, or other corridors, and not provide the public with sufficient information to understand what is going on? INCLUDING THE ENTIRE REGIONAL PATH OF A UTILITY CORRIDOR IT HAS TWICE "RE-AUTHORIZED" a ready-to-lapse permit for?

We are deeply concerned about the impacts of these and other coal-fired power plants, power line corridors/rights-of-way, and aquifer de-watering proposal on the entire region.

Idaho is currently receiving unprecedented amounts of mercury and other air pollution from Nevada mining and other activities. Nevada has carved its airspace up into meaningless small areas in order to avoid necessary regulation of pollution – and to allow mining, industry and now coal-fired power plants to spew pollutants across the region.

G8-1 The Southwest Intertie Project (SWIP) was included and analyzed both as a connected action and a cumulative project in the DEIS and this FEIS. Background information on the SWIP is presented in the description of connected actions in Section 2.2.3.7, *Connected Actions*. That section summarizes SWIP project history and description, preparation of an EIS for the SWIP per National Environmental Policy Act (NEPA) requirements by the BLM in 1993, issuance of a Record of Decision for the SWIP by the BLM in 1994, references text and maps on that portion of the SWIP that would be interconnected with the proposed White Pine Energy Station project, and references a map showing the locations of the SWIP corridor and other projects considered in the cumulative impacts analysis. Potential impacts of the entire SWIP in Idaho and Nevada are summarized in the connected action discussions for each resource area in Sections 4.2 through 4.18 of the DEIS and this FEIS. Those discussions focus on the potential for connected action impacts in areas where the SWIP corridor overlaps or interconnects with the White Pine Energy Station project area, and they have been included in the discussion of cumulative impacts in Section 4.19, *Cumulative Impacts*, as well. SWIP impacts were summarized from the impact analyses in the SWIP FEIS prepared by the BLM in 1993. In addition to the connected actions analysis, Section 4.19 of the White Pine Energy Station DEIS and this FEIS describes the potential cumulative effects of the SWIP and other projects considered in the cumulative effects analysis on all of the White Pine Energy Station project area resources. Quantitative impact information on the SWIP has been included in this FEIS in the connected actions and cumulative impacts analyses where quantitative information is available in the SWIP FEIS that specifically applies to the White Pine Energy Station analysis area for a given resource.

G8-2 | There is little to no scientific basis for the small airsheds. BLM must provide much-expanded and science-based analysis of the REAL air movement patterns here, during all seasons of the year, and also overlay pollution from outside the region – such as from California and increasingly from China. The latter is responsible for increasing regional haze and contamination. How will the pollutants and the visual effects of the Ely plants (and other foreseeable) in combination – be expected to affect air quality (and human health and pollution “fallout” into surface waters or onto vegetation) over the entire life of the project?

On top of the horrendous amounts of mercury already released into the air that are going to be polluting regional waters for a very long time, gold mine gold ore roasting operations will foreseeably expand in the future as gold continues to skyrocket. There is already a Nevada coal-fired power plant at Valmy that is polluting air. There are mining and cement operations, and now foreseeable new and expanded cement processors. The regional source of mercury must be fully presented – as part of this process. The potential costs of removing mercury that has fallen as pollution into waters, or will foreseeably fall as pollution, must be fully revealed.

How will such pollutants (including those associated with these coal plants) affect or alter local or regional air patterns?

G8-3 | How will pollutants from Oil and Gas – if the millions of acres that are leased are developed – affect air quality, and what will be the interaction with/synergistic effects, and cumulative effects, of power plant development on top of all this development. Water wells are also drilled with oil and gas exploration or development. Battle Mountain BLM and Elko BLM have just prepared large OG leasing EAs. Elko is offering (has already sold?) leases just to the north of the project area. What will be both the demand on aquifers as well as pollutants released, and effects of wildlife, recreation, etc. if all the OG development, on top of the coal plant development, on top of Las Vegas aquifer-de-watering and water export schemes were to occur? Where are all OG leases in Nevada, and who holds them? How much of a water demand – or how significant could impacts to water tables be – from other and associated effects of OG leasing and explo – if the leases held were developed? Please also consider the effects of development of geothermal leasing, as well.

G8-4 | What air pollutants are being released by the military in the many actions occurring at Nellis? For example, this winter there was an EA on-line at the Langley site describing increased use of Depleted Uranium. Will pollutants (including potentially hazardous substances blown by the wind from Nellis) bind with, or interact with, the pollutants from these coal plants?

G8-5 | There is a SEPARATE power plant enterprise being planned for Ely (White Pine), and one for Toiyabe, and perhaps another in Butte Valley and others elsewhere in the region, including plants long-sought by the gold mines (to fuel the gold roasting and mercury polluting). The EIS fails to fully assess the impacts and demands on exceedingly scarce resources of all the industrialization of the region that is underway, or how the various

G8-2 The airsheds that have been created by the Nevada Division of Environmental Protection (NDEP) do not decrease the validity of the air quality analysis presented in the DEIS. The Class II air quality dispersion modeling domain (the extent of the area analyzed) was determined based on the distance from the proposed White Pine Energy Station location to the farthest receptor, where a modeled ambient concentration exceeded the "significance levels" established under the U.S. Environmental Protection Agency's (EPA's) PSD guidance. A new Figure 3.6-1 has been added to this FEIS to show the modeling study areas (for both the AERMOD and CALPUFF analyses).

The meteorological data sets utilized in the air quality analysis for the White Pine Energy Station reflect the actual air movement patterns as measured for a full year at the proposed site (for the near-field analysis) and over three years at several meteorological monitoring stations in the region (for the long-range transport analysis). Because the air quality analysis utilized a full year of ambient pollutant monitoring data collected onsite at the proposed Station location, pollution from outside the region (for example, California and China) was accounted for in the analysis.

As a result of this and other comments, a revised cumulative analysis has been added to Section 4.19.3.6.1, *Air Quality*, of this FEIS. The analysis evaluates the air quality, deposition, and visibility effects that are expected from the White Pine Energy Station, existing sources, and anticipated future sources. The results of this analysis show that the cumulative effects will meet all regulatory standards for public health and the environment.

G8-3 Although the potential for oil and gas development in Steptoe Valley is considered moderate to high (see Section 3.2.3 in the DEIS and this FEIS), no specific oil and gas exploration activities are currently known to be planned for Steptoe Valley. Accordingly, the analysis of potential cumulative impacts associated with either the Proposed Action or Alternative 1 does not take into account speculative activities. As an example, the cumulative air quality analysis in Section 4.19.3.6.1, *Air Quality*, and Appendix L, *Cumulative Analysis for Air Quality*, of this FEIS evaluates the reasonably expected future actions in the region, including the Ely Energy Center, Toquop Energy Power Plant, Newmont Gold Power Plant, Intermountain Power Project Phase III, and the Nevco-Sevier Power Plant. The fact that the BLM is offering oil and gas lease sales in the Battle Mountain and Elko areas does not make large scale oil and gas development reasonably foreseeable, particularly given the lack of development that has occurred in Nevada from past sales and exploration. The development of all the oil and gas leases in the region is speculative at best, is not a reasonably expected future action, and is therefore not required to be included in the cumulative impact analysis in this FEIS.

G8-4 It is assumed the commenter is referencing the September 2006 Environmental Assessment for increased depleted uranium use at the Nevada Test and Training Range (NTTR) prepared for Nellis Air Force Base. The proposed White Pine Energy Station site location is approximately 275 kilometers away from the NTTR.

As shown in the EA, total NTTR criteria pollutant emissions are approximately 50 tons per year (see Table 3-3 of the EA). Because of the distance to the NTTR and the low emissions from the NTTR, criteria pollutant emissions from that facility would not be expected to have more than a negligible impact in the vicinity of the White Pine Energy Station, and the NTTR would be screened out of any cumulative criteria pollutant modeling analysis using the "20D rule" or another similar screening method. Regarding to depleted uranium oxides, the EA shows that maximum air quality impacts would be 20 to 25 times lower than the applicable standards at distances 17 to 19 kilometers from the emissions source (see Table 3-4 of the EA). In the vicinity of the proposed White Pine energy Station (approximately 275 kilometers from the NNTR), depleted uranium oxide impacts because of the NNTR would be expected to be significantly lower than those values reported in the EA, which were well below the applicable standards. Because the White Pine Energy Station would not emit depleted uranium oxides and the emissions from the Station are not known to interact with depleted uranium oxides, no cumulative effects from the White Pine Energy Station and the NTTR would be expected.

G8-5 The size of the cumulative impact analysis area for each resource area varies according to the nature of the resource, the geographic area in which impacts from the proposed White Pine Energy Station would occur, and the potential for overlapping cumulative effects of the White Pine Energy Station with other projects located in the analysis area. The cumulative impact analysis area for each resource was specifically defined for the proposed White Pine Energy Station. Projects located outside the analysis area for a given resource would not contribute to cumulative impacts when combined with the effects of the proposed White Pine Energy Station and, therefore, were not included in the cumulative impact analysis.

As discussed for ground water resources in the response to Comment G2-28, the anticipated ground water level declines in Steptoe Valley as a result of either the Proposed Action or Alternative 1 would not affect the amount or rate of ground water flow from Steptoe Valley to adjacent valleys because they are not hydrologically connected and, therefore, would not affect springs or surface water features in Snake Valley, Goshute Valley, or Spring Valley (see the response to comment G2-28). For this reason, the Kane Springs Valley Groundwater Development Project and the Lincoln County Land Act Groundwater Development Project were not included in the cumulative impacts analysis for ground water resources. The Clark, Lincoln, and White Pine Counties Groundwater Development Project was analyzed for potential cumulative impacts, although analysis showed there would be no cumulative effects based on results of the Draft BARCAS Report regarding lack of hydrological connectivity with ground water that would be used for the White Pine Energy Station. For air quality, the cumulative effects analysis area was defined to be much larger than that for ground water resources and included analysis of other coal-fired projects, such as the Ely Energy Center, Toquop Energy Coal-fired Power Plant, Newmont Gold Coal-fired Power Plant, and Intermountain Power Project Phase III Coal-fired Plant. Section 4.19, *Cumulative Impacts*, of this FEIS considers the effects of all past, present, and reasonably foreseeable actions with the potential to result in cumulative impacts when combined with the potential effects of the proposed White Pine Energy Station.

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G8-5
(cont.)



powerlines, well fields, water pipelines, land disposals and sales, etc. may be related to all of this development.

There is a critical water shortage in this part of the Great Basin, and the fact that recent development and quid pro quo wilderness bills mandated water pipeline corridors to tap into Great Basin aquifers in some of the same areas where the powerline infrastructure would occur, and the potential linkages between water and power or other corridors associated with these bills and land disposals.

G8-6

My jaw dropped when I examined EEC Map Figure 1 and I saw a water pipeline extending north towards Lages Junction. Just how much water is at this very dry site? We are greatly concerned that the White Pine Map does not show the entire array of wellfields and location of wells that will be drilled.

G8-7

Is a railroad spur (White Pine) in any way associated with more power development, or nuclear or other waste and what is the route?

G8-8

Please inform us who commissioned the various Consulting and all other studies, and potential biases, and the parameter and constraints. Just because "consulting" those studies picked these sites (rock bottom wages, clean air to pollute, some local people willing to do almost anything to the land) does not mean that the REST of the American people supports these power plant locations – as they are extraordinarily wasteful of energy and resources – and maximize destruction of public wild land, and important and sensitive species habitats.

G8-9

Nevada is going the dead-opposite path of the rest of the country – carving the land up with new powerlines and pollution and maximizing its output of Global warming gases. Particularly ironic is that much of the energy in Nevada is used for non-essential things – gambling vacations and gold for ornaments and wealth speculation. As part of this analysis, please provide a "sustainability" study that will examine ways to provide for long-term clean air and clean water here.

G8-10

How much energy will be lost in transmission here, compared to if plants were developed at the sites where power would be used? Please consider a reasonable range of alternatives to do that – develop power where it will be used.

We very much recall old proposals to pipe water north-south over long distances, and it was being discussed around the same time as the SWIP proposal was emerging and that EIS was being prepared. It seems to us there are very foreseeable extensions of corridors and pipeline networks that may be incrementally built here, including northern segments of SWIP, that must be fully examined and disclosed.

For example Map Figure 1 shows a private land (colored pink) north of Currie, approx. 6 to 10 miles south of I-80 along the western edge of the Pequop Range. This is private land at Big Springs that had been owned by Vidler water, and sold in a secret deal to land developers or speculators.

- G8-6** This comment appears to address a figure related to the Ely Energy Center that is not part of the DEIS or FEIS for the White Pine Energy Station. Figure 2-1 and 2-17 show the entire array of wells to be drilled for the White Pine Energy Station. See Section 4.19.3.4 for information on the cumulative impacts to ground water that has been added to this FEIS.
- G8-7** The railroad spur that would be constructed between the existing Nevada Northern Railroad (NNR) and either the Proposed Action (1.3 miles) or Alternative 1 (3 miles) is needed solely for the White Pine Energy Station. The Proposed Action railroad spur is described in Sections 2.2.3.4, 2.2.4.6, and 2.2.5.4 of the DEIS. The route is shown in Figures 2-1 and 2-2. The Alternative 1 railroad spur is described in Section 2.3.3.4 of the DEIS. The route is shown in Figure 2-17. The spur between the existing NNR and the proposed White Pine Energy Station is not being considered by DOE or anyone else that BLM is aware of for shipments of nuclear waste. Neither will it be used to support any other power plant.
- G8-8** The consulting studies required to complete the DEIS and this FEIS for the White Pine Energy Station were commissioned by the BLM.
- G8-9** Preparation of a sustainability study examining ways to provide for long-term clean air and clean water is beyond the scope of this EIS.
- G8-10** The White Pine Energy Station would be connected to the SWIP, a 500-kV transmission line, and to the Falcon to Gonder 345-kV line, which would minimize transmission losses. Power generated by the Station may be sent to the north, the south or the west, or may be used locally in White Pine County. Considering the efficiency of the large transmission lines that would wheel the project's power, losses are expected to be less than 1 percent per 100 miles.

Several important factors are considered in siting a power plant, such as rail access, water availability, road access, proximity to a population center, land availability, and access to transmission infrastructure. The confluence of these factors makes White Pine County a favorable location for a coal fired power plant. Because power may be distributed to a wide area of the western United States, alternative locations would not necessarily result in less transmission loss. Additionally, because the power would be used by a number of customers, including separate utilities, municipalities, and/or co-ops, it would not be possible to site the plant at a single-point-of-use.

WWP has been very involved in grazing issues in this region, and we are gravely concerned at BLM's failure to fully reveal what is foreseeable here, including amid important sage grouse, raptor and other wildlife habitats. We spend a lot of time on the ground, examining the effects of land use practices, and we would be exposed to the pollution, noise, haze and the contaminants it may contain, that would develop from these proposals.

To the North, across I-80 and off the map lies the Thousands Springs Valley, where there have long been water and power plant schemes. The relationship between any foreseeable extensions of SWIP, DOE corridors, private energy lines like Northern Lights, both AC and DC lines or other infrastructure and associated development (there have been recurring rumors of coal or other power plants in the Montello region, or further to the West in association with gold mines – all must be examined for environmental effects and consequences. The total direct, indirect and cumulative impacts of these developments on lands, air, water, native biota, human health and quality of life must be fully assessed.

G8-11 | What demands will be made, regionally, on the aquifers? Please provide detailed mapping and extensive scientific studies of these aquifers. We ask that aquifer, air and wildlife studies be vetted by impartial outside scientists – as there is far too great a likelihood of political pressures being brought to bear on local game agencies, local or state researchers, etc. As this project (and the others that it is linked to and that are being developed in a segmented fashion), has regional and national implications, This is a necessity, as Nevada politicians have already been deeply involved in setting the stage for these plants that can poison air across the region, scientific oversight and review of all environmental effects must come from a much broader arena. Neither Ely BLM nor Idaho BLM could even provide me with a map of the entire SWIP corridor, for goodness sake. There is no way that an agency that has already shown such purposeful ignorance can be trusted to oversee a fair and accurate scientific EIS process here.

G8-12 | What is the current extent and volume of all aquifers affected by this? What are the demands on them? How will Global warming and elevated temperatures affect aquifer processes? How much more water is being removed (and foreseeably will be removed) over the life of this project - and how much will this exceed recharge rates? Please

G8-13 | conduct detailed studies to provide a comprehensive baseline of information so that all impacts of the EEC, White Pine Energy Center, Las Vegas de-watering pipelines, and other likely drains on the water supply can be fully understood.

G8-14 | What is the Global warming "Footprint" of the pollution, land alteration and development, associated with all aspects of this plant – for renovation of a railway to mining the coal in Wyoming, to building materials for the plant, to heat and all emissions generated?

G8-15 | How much energy will be lost from transmission lines for this and other projects linked to the infrastructure development here? Why have you not considered very viable

- G8-11** Inasmuch as the source of water for the Proposed Action and Alternative 1 is the local basin-fill aquifer in the Steptoe Valley Hydrographic Basin, the regional carbonate aquifer system would not be affected by either the Proposed Action or Alternative 1. The U. S. Geological Survey's recent determination that the ground water between valleys in Nevada is connected is from the Draft BARCAS Report. However, this conclusion of interconnectivity of ground water across hydrographic areas in White Pine County pertains to ground water in deep fractured-rock. These BARCAS Report findings are discussed in Section 3.4.2, *Local Conditions*, of this FEIS. The water supply for either the Proposed Action or Alternative 1 would be ground water from the basin-fill deposits of Steptoe Valley that are not directly connected hydrologically to adjacent hydrographic areas.
- Also see the response to Comment G1-24.
- G8-12** The potentially affected ground water environment for both the Proposed Action and Alternative 1 is described in Section 3.4 of the DEIS and this FEIS. See the responses to Comments G1-24, G2-36, and G2-64a for discussions of current and future demands on aquifers.
- The effects of climate change on the affected ground water environment for the Proposed Action and Alternative 1 are unknown. The source of ground water recharge to the Steptoe Valley basin-fill sediments is precipitation that falls on the surrounding mountains, principally the Schell Creek Range and Egan Range. Should climate change significantly affect the amount of precipitation in these mountains, the result would be more or less water available to recharge the Steptoe Valley basin-fill ground water system.
- G8-13** The cumulative impacts analysis area for ground water resources is restricted to basin-fill deposits in the Steptoe Valley Hydrographic Basin and includes the potential effects of the proposed Ely Energy Center and other planned uses of water in the Steptoe Valley (see the responses to Comments G1-23, G1-24, and G8-11).
- G8-14** Further analyses of climate change have been added to this FEIS. Section 3.6.2, *Climate Change*, includes a broad discussion of the currently observed impacts to resources associated with climate change. Section 4.6.2, *Climate Change*, has been added to this FEIS to describe projected future changes in climate, along with discussions of the various factors thought to influence climate. Section 4.19.3.6.1, *Air Quality*, has been revised to discuss the potential incremental cumulative impacts of emission sources on climate change. Finally, Appendix M, *Understanding and Evaluating Climate Change*, has been added to this FEIS. The potential cumulative impacts of all global carbon dioxide emissions are summarized in Section 4.19.3.6.1, *Air Quality*, and in Appendix M, *Understanding and Evaluating Climate Change*, of this FEIS.
- Emissions of carbon dioxide from locomotive transport, construction, and other project components are negligible in comparison to the annual carbon dioxide emissions from the pulverized coal-fired boilers and are therefore not included in this FEIS.
- G8-15** It is not expected that electricity from the White Pine Energy Station would be sent exclusively to Las Vegas or any other single location. Power generated by the Station and other area projects would be carried by modern high-efficiency transmission with minimal line loss. Transmission losses are expected to be less than 1 percent per 100 miles. Because power may be distributed to a wide area of the western United States, alternative locations would not necessarily result in less transmission loss. Additionally, because the power would be used by a number of customers, including separate utilities, municipalities, and/or co-ops, it would not be possible to site the plant at a single-point-of-use. Therefore, a point-of-use siting analysis has not been conducted.
- Several important factors are considered in siting a power plant, such as rail access, water availability, road access, proximity to a population center, land availability, and access to transmission infrastructure. The confluence of these factors makes White Pine County an ideal location for the White Pine Energy Station. Given Las Vegas's non-attainment status, its proximity to Class I areas, and other factors, Las Vegas is not considered an attractive, feasible, or environmentally preferable site for new fossil fuel-fired generation.
- Also, see the response to Comment G8-10.

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- G8-15 (cont.) ↑ alternatives of siting these plants closer to Las Vegas, or other urban area so that MUCH LESS energy is lost in the process? Now that Las Vegas has gotten its water-sucking pipelines authorized in a Wilderness Bill, there is no need to develop a plant here. Instead, it can readily be developed in Las Vegas, where abundant infrastructure already exists. Please provide a detailed cost-comparison and development and global warming footprint of plant (and infrastructure development - including much less need for infrastructure development) in alternative siting locations. Please also provide analysis of a range of conservation actions that
- G8-16 Of great alarm is an activity that may further alter and desertify the climate in much of the area to be impacted by energy development and corridors here, is the potential for increased deforestation of the pinyon-juniper and other wildlands under various "Healthy Forests" or other type projects. This would be enabled by provisions of the recent White Pine Wilderness Bill that elevates the Eastern Nevada Landscape Coalition, with ties to the livestock industry and plans to deforest pinyon and juniper, as well as "thin" mow or alter sagebrush to enhance "forage", and under the myth that killing woody vegetation may increase water volumes. ALL the many provisions of the Lincoln and White Pine County Bills, and the Lincoln County Land Act and other recent legislation must be examined so that a full understanding of potential demands (on aquifers if 100,000 acres in Lincoln County are privatized, and > 45,000 acres in White Pine County are privatized). Please be sure to assess impacts of all the foreseeable development on aquifers, watersheds, ecosystems, wild lands, air quality, sensitive and important species, quality of life in this region.
- G8-17 As previously discussed, you must assess all the impacts of foreseeable Oil and Gas, geothermal, mining and or other energy development in this regions, along with its demands on the aquifers.
- G8-18 Please describe in full detail all the relationship or foreseeable impacts of LS Power, White Pine Energy Center, Sierra Pacific, Nevada Power, Idaho Power, Calpine, Northern Lights, SWIP and all other development underway or foreseeable in this region.
- G8-19 We simply are not clear on how and where all phases of this project may be developed.
- G8-20 Please provide a range of alternatives based on solar collection arrays, and other renewable energy actions that could occur in the general region, as well as locating power sources close to the population that will use the power.
- G8-21 Please provide a detailed analysis of ALL sources of water for all aspects of plant or other development over the life of this plant, and discussion of all direct, indirect, and cumulative factors affecting these waters. What will happen to wastes material, and waste water – how will it be disposed of? What contaminants may be in water materials generated?
- G8-22 ↓ How quickly will aquifers be drained? What springs, streams, wetlands, habitats, or water uses will be affected?

- G8-16** Section 4.19 of the DEIS and this FEIS addresses potential cumulative impacts associated with reasonably foreseeable future actions and the Proposed Action and Alternative 1.
- G8-17** Although the potential for oil and gas development in Steptoe Valley is considered moderate to high (see Section 3.2.3 in the DEIS and this FEIS), no specific oil and gas exploration activities are currently known to be planned for Steptoe Valley. Accordingly, the analysis of potential cumulative impacts associated with either the Proposed Action or Alternative 1 does not take into account speculative activities. As an example, the cumulative air quality analysis in Section 4.19.3.6.1, *Air Quality*, and Appendix L, *Cumulative Analysis for Air Quality*, of this FEIS evaluates the reasonably expected future actions in the region, including the Ely Energy Center, Toquop Energy Power Plant, Newmont Gold Power Plant, Intermountain Power Project Phase III, and the Nevco-Sevier Power Plant. The development of all the oil and gas leases in the region is not a reasonably expected future action and is therefore not required to be included in the cumulative impact analysis in this EIS.
- G8-18** The reasonably anticipated cumulative impacts for the projects listed in this comment are air quality impacts. The cumulative air quality analysis in Section 4.19.3.6.1, *Air Quality*, and Appendix L, *Cumulative Analysis for Air Quality*, of this FEIS evaluates the impacts from the reasonably expected future actions for which information is available, including the White Pine Energy Station, Ely Energy Center, Toquop Energy Power Plant, Newmont Gold Power Plant, Intermountain Power Project Phase III, and Nevco-Sevier Power Plant. Additionally, air quality impacts resulting from existing sources were considered in the cumulative impacts analysis. The conclusions of the cumulative air quality analysis show that all impacts would be within the applicable standards. Additional information is included in Appendix L, *Cumulative Analysis for Air Quality*, of this FEIS. Also see the response to Comment G2-29 regarding the method for determining the cumulative impact analysis area for a resource.
- G8-19** The location and configuration of the Proposed Action can be viewed on Figure 2-1 and Figure 2-2, respectively, in this FEIS. The location and configuration of Alternative 1 can be viewed on Figure 2-17 and Figure 2-18, respectively. The BLM has selected the Proposed Action as the preferred alternative (see Section 2.6 of the DEIS and this FEIS).

The details of how the Station would be constructed are presented in Section 2.2.4, *Construction Activities*, of this FEIS. The Station may be constructed in up to 3 phases using one of the following scenarios: (a) Units 1 & 2 would be constructed concurrently and Unit 3 would be constructed at a later time; (b) only Unit 1 would be initially constructed, then after some delay Unit 2 would be constructed, and finally after some delay Unit 3 would be constructed; or (c) all 3 units would be constructed concurrently.

- G8-20** Numerous power generating technologies, including “clean energy” alternatives such as solar, wind, geothermal, and hydroelectric, were considered in the analysis of alternatives to the use of pulverized coal for the proposed project. While each of the clean energy alternatives has different levels of feasibility, none provide the reliable baseload generation capacity of approximately 1,590 MW proposed by White Pine Energy Associates (WPEA), nor do they meet several other criteria considered in determining whether alternative power generating technologies meet the purpose and need of the project. For example, wind power, because of its intermittent nature, cannot offer high reliability consistently and it cannot offer a reliable baseload operation capacity of 1,590 MW. Wind power also would not result in the beneficial use of water held by White Pine County for power production in Steptoe Valley, an important project purpose and need. Photovoltaic solar power can offer high reliability but solar thermal power cannot. Both types of solar power cannot offer baseload operation capacity of 1,590 MW, are not considered cost effective, require large land areas compared to a pulverized coal plant, and would not result in the beneficial use of water held by White Pine County for power production in Steptoe Valley. Geothermal power is not available in White Pine County in sufficient capacity to meet the project purpose and need of providing a reliable baseload

generation capacity of approximately 1,590 MW. Hydroelectric power cannot fulfill the need for approximately 1,590 MW of highly reliable baseload capacity because no such sites exist in Nevada beyond Hoover Dam. The combination of these clean energy sources with a pulverized coal technology also would not be able to offer a reliable baseload capacity of 1,590 MW because of the intermittent nature, limited supply, or periodic absence of the clean energy resources for use in generating their component of baseload power. Section 2.5.1, *Alternative Power Generating Technologies*, in the DEIS and this FEIS discusses in detail the various alternative generation technologies, including renewable non-combustible energy sources, renewable combustible energy sources, and non-renewable combustible energy sources, that were considered but eliminated from further consideration.

See the response to Comment G1-28.

- G8-21** See the response to Comment G2-64a for a discussion of ground water supply, demand, allocations, and White Pine Energy Station needs.

Wastewater from the power plant site and stormwater runoff that has been collected after coming in contact with potential pollution sources would be discharged to an evaporation pond in accordance with applicable federal and state regulations (See Section 2.2.3.1.4 of the DEIS and this FEIS). See the responses to Comments G2-27, G2-42, and G2-60 regarding discussions of environmental protection measures associated with power plant wastewater, categories of stormwater retained on site and discharged from the site, and disposal of solid wastes.

- G8-22** The potential impacts on water resources associated with pumping 5,000 acre-feet of ground water per year are addressed in Section 4.3, *Surface Water Resources*, and Section 4.4, *Ground Water Resources*, of the DEIS and this FEIS.

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- G8-22 (cont.) ↓ What will happen to all water, and pollutants, that may be associated with this plant?
How will this affect important cultural sites, wild horse herd areas, Wilderness Areas, and WSAs?
- G8-23 | How will this affect air quality in Class I airsheds, such as the Jarbidge Wilderness – especially in combination with other changes such as altered, re-aligned or increased military overflights here?
- G8-24 | What is the significance – in terms of a larger grid or energy system and enabling or causing other development, and the direct, indirect and cumulative impacts of the new power and water corridors, pipelines, here? Who benefits and who or what loses?
- We are particularly alarmed at the potential for renewal energy development here to wreak havoc with migrating birds, raptors, sage grouse, pygmy rabbit, bats, and other important and sensitive species.
- Large-scale multi-year radar studies, ground census and other studies must be conducted year-round in all the areas and ranges of significance to resident and migrating birds and other important species here.
- G3-25 | What are the different population, their trends over time, their likelihood of decline or extinction – of all important and sensitive species affected by this proposal?
- G8-26 | Please provide a detailed economic analysis, of all aspects of this proposal. This includes a detailed analysis of the finances, financial involvement of various businesses parties, entities in this. This must be contrasted with the very serious adverse impacts to quality of life, public health (across the region), connectivity of habitats and viability of populations of important ad sensitive species across the zone of Project impact.
- G8-27 | Please provide detailed information on all foreseeable development (type, energy demands, energy produced, infrastructure, land disposals, impacts to soils, vegetation, waters; air quality, water quality and quantity, especially perenniality of flows and surface expression of waters; watersheds; native vegetation; risks of exotic species invasions; alterations of fire occurrence and cycles; expansion or spread; habitat fragmentation; sensitive and T&E species – occurrence, habitat composition, and population viability impacts; recreational; cultural; and other impacts).
- G8-28 | Comprehensive baseline studies and inventories must be conducted for all components of the environment. For native plant and animal species, these current systematic surveys must be conducted in a thorough and rigorous manner, to establish a comprehensive understanding of species occurrence, condition and composition of habitats, and populations and their viability.

- G8-23** The air quality analysis in Section 4.6.1, *Air Quality*, of this FEIS shows predicted effects at Jarbidge Wilderness and other Class I airsheds. Additional cumulative analysis that includes reasonably expected future actions has been included in Section 4.19.3.6.1, *Air Quality*, and Appendix L (*Cumulative Analysis for Air Quality*) of this FEIS. Mobile emissions sources such as aircraft and not included in the analysis (EPA PSD Guidance).
- G8-24** Chapter 4 of the DEIS and this FEIS discuss the direct and indirect effects of the Proposed Action and Alternative 1. Section 4.19, *Cumulative Impacts*, describes the impacts of the Proposed Action and Alternative 1, together with past, present, and reasonably foreseeable future actions for all project area resources.
- G8-25** Sections 3.5.4, *Threatened, Endangered, Candidate, and Sensitive Species*, 4.5.4, *Threatened, Endangered, Candidate, and Sensitive Species*, and Section 4.19.4.3, *Threatened, Endangered, Candidate, and Sensitive Species* discuss affected environment, direct and indirect impacts, and cumulative impacts of the proposed Station on these species.
- G8-26** The primary study area of White Pine County is examined for potential impacts to physical, biological, and socioeconomic resources in the DEIS and this FEIS. The goals of the socioeconomic sections (Section 3.17 and 4.17) are to provide a context and general overview of the local economy and establish a baseline for evaluation of the range of alternatives. The finances and financial involvement of WPEA and/or its business partners are not subject to BLM analysis.
- G8-27** See the responses to Comments G1-24, G8-5, and G8-24 and Section 4.19, *Cumulative Analysis*, of this FEIS.
- G8-28** Surveys were conducted for species of special concern for which current and adequate information was not available, including greater sage grouse, ferruginous hawks, and sensitive springsnails. Information was also collected regarding weeds and vegetation communities in the project area. In addition, wetland habitats were checked for amphibian species and relict dace populations. All other natural resources were noted during field surveys conducted during the period April through September. Field surveys conducted for vegetation, noxious weeds, wildlife and fisheries, and threatened, endangered, candidate and sensitive species are noted in Sections 3.5.1, 3.5.2, 3.5.3, and 3.5.4, respectively, of the DEIS and this FEIS. NEPA does not require comprehensive baseline surveys for all species that may occur within the project area. CEQ regulation Sec. 1502.22 allows for incomplete or unavailable information as long as it is documented in the EIS. NEPA allows for the use of existing data sources supplemented with field surveys to obtain additional information as appropriate for completing an impact analysis.

Comment Letter G8

G8-29 | Please provide a detailed analysis of who holds, and where they are located, all water rights and the allocations, that may be affected by the range of foreseeable development here.

G8-30 | Please provide a detailed analysis of all mining, Oil and Gas, geothermal and other claims, who holds them.

While the scoping Notice boasts of an inflated work force during construction, this will certainly not be a permanent work force. This is part of the Boom and Bust cycle that promoters of these efforts make. This will have significant harmful impacts on quality of life, drug use such as methamphetamine, and all manner of abuses tied to such development in rural-type areas.

There are many other serious adverse ecological processes and practices occurring in the vast land area that will be affected by air pollution, water pollution, human disturbance, weeds, increased fire, habitat fragmentation etc stemming from these plants. Livestock grazing has a huge ecological footprint on virtually the entire landscape and important and sensitive species. All direct, indirect and cumulative impacts of this proposal affected by this proposal

We have often observed raptors perching on powerlines that are supposed to have anti-perch devices. Example: Raptor electrocutions are increasing causes of wild land fires – as cheatgrass and other weeds have increased. This will be even a greater concern with all the ancillary development and lines that are being proposed.

We are very concerned about all the additional roading, and increased risk of fire and weed invasion here. This will not only alter soils, vegetation composition and health, but also provide travel corridors for predators, human disturbance ranging from ranching activities to hunting to OHV use and even poaching, which is on the increase in Nevada.

G8-31 | We ask that you consider a broad range of alternatives – like focusing on a range of distributive generation actions, solar arrays, and other actions.

G8-32 | . Please also develop a full range of mitigations – such as buying out and retiring public lands grazing permits from grazing – to rest lands, reduce methane (a global warming gas generated by livestock), and allow functioning watersheds and full aquifer recharge.

G8-33 | Local news reports say that the White Pine plant will be built in various stages, and it sounds like the latter phases are critical for less dirty air. Is that the case?

http://www.reviewjournal.com/lvrj_home/2007/Feb-13-Tue-2007/business/12553127.html

How do the White Pine predictions and modeling vary if not all mitigating components of all developments are put into place?

- G8-29** Figure 4.4-3 of the DEIS and this FEIS shows the locations of all currently permitted ground water rights' holders in Steptoe Valley. The DEIS and this FEIS examine the effects of water needs of the action alternatives, including the effects on and relationship among ground water, springs, and surface water. This amount of ground water level decline does not represent a significant environmental impact because within the area where this maximum ground water level decline would occur, there are no springs, surface water features, or other permitted wells that could be affected by a decline in ground water level.
- G8-30** Although the potential for oil and gas development in Steptoe Valley is considered moderate to high (see Section 3.2.3, *Minerals*, in the DEIS and this FEIS), no specific oil and gas exploration activities are currently known to be planned for Steptoe Valley. Accordingly, the analysis of potential cumulative impacts associated with either the Proposed Action or Alternative 1 does not take into account speculative activities. The development of all the oil and gas leases in the region is not a reasonably expected future action and is therefore not required to be included in the cumulative impact analysis in this EIS.
- G8-31** Numerous alternatives were considered, and those alternatives that were not capable of meeting the purpose and need for the project were not carried forward for detailed evaluation. See FEIS Section 2.5, *Alternatives Considered But Not Carried Forward for Detailed Evaluation*, and the response to Comment G1-28.
- G8-32** It is unclear what impacts the commenter's suggested general measures would be mitigating. Mitigation for loss of habitat, grazing and other potential project impacts were addressed the DEIS and summarized in Section 4.20, *Summary of Mitigation Measures*, of the FEIS. Purchase and retirement of public grazing rights was not considered appropriate for the specific impacts predicted for the White Pine Energy Station.
- G8-33** This comment appears to be referring to an article on Nevada Power's proposed Ely Energy Center, which would be constructed in phases. Impacts of phasing of that project will be addressed in the EIS currently being prepared for the Ely Energy Center. All three units at the White Pine Energy Station would be equipped with the Best Available Control Technology, and emission limits would not vary among the units.

Regarding the comment question on variations to the modeling analyses if mitigation measures are not put in place, it is noted that the modeling results reflect the Proposed Action, and any air quality mitigation measures required could reduce impacts below those reflected in the air quality evaluations.

G8-34

Please provide great details on just what all is in the Wyoming coal, how that pollution will mix with gold mine or other mine pollution, cement plant pollution, and other pollution and contamination in the air.

The Boise and Salt Lake areas already have terrible winter inversions, and often much smog in summer as well. Plus, we increasingly receive pollution from industrialization in China, especially in spring when air currents seem to be strongest.

G8-35

What is the added human health cost of these plants – and other development that they will cause, including to people suffering from asthma, or other health conditions? Also, more pollution worsens inversion conditions – with local and regional effects. Inversions and cooler temperatures elevate traffic accidents in fog and ice, with cooler temperatures in the valleys which are the areas inhabited by humans in this region. It is at times like these winter air inversions when conditions may greatly affect human health. In any study here, you must not “average” effects over time, but must look at effects – pollution, water depletion, haze (local and regional), etc. over a full spectrum of weather and other environmental conditions (drought, inversion, various temperatures) –and always with the full range of industrialization and development from these undertakings fully in mind.

G8-36

There are tremendous ancillary environmental effects from actions like these – ranging from new and expanded gravel pits and quarries to new roading on public lands to introduction of new invasive species to drying out of springs in the affected aquifers. You must closely detail all the spring systems potentially affected by the water use both for these and other coal plants and land disposal outcomes and development (industrial, other) that is foreseeable in the affected area – especially in light of the disposal of vast tracts of public lands enabled by the white Pine and Lincoln County wilderness Bills.

The proposed action will have serious adverse effects to terrestrial wildlife, and aquatic wildlife linked to scarce desert waters to be depleted or altered in this process. These include:

- Loss of breeding, foraging and cover habitats
- Increased animal displacement and loss
- Reduction in prey availability
- Reduction in overall biodiversity
- Loss of genetic diversity
- Reduction in regional carrying capacity
- Possible population declines

The end result of this process is incremental habitat loss and incremental extirpation of native species. Please see Wisdom et al. 2005, Connelly et al. 2004, Dobkin and Sauder 2004, Knick et al. 2003 to understand the significance and irreversible nature of the habitat alteration through fire, weed invasion and other disturbance that you will cause.

G8-34 Coal from the Powder River Basin in Wyoming consists primarily of carbon (approximately 50 percent), moisture (approximately 30 percent), oxygen (approximately 12 percent), ash (approximately 5 percent), nitrogen (approximately 0.7 percent), and sulfur (approximately 0.3 percent).

For information on cumulative impacts, see the response to Comment G8-18.

G8-35 The Clean Air Act requires the EPA to set National Ambient Air Quality Standards (NAAQS) for pollutants considered harmful to public health and the environment. The Clean Air Act established two types of national air quality standards:

- Primary standards set limits to protect public health, including the health of “sensitive” populations (for example, asthmatics, children, and the elderly) against the effects of designated pollutants.
- Secondary standards (equal to or less restrictive than the Primary standards) set limits to protect public welfare, including protection against decreased visibility, damage to animals, crops, vegetation, and buildings.

These standards were used to evaluate whether the White Pine Energy Station would result in air quality impacts in all areas. The results of the analyses presented in Section 4.6.1.3.5, *Class II Area Dispersion Modeling Results*, and Section 4.19.3.6.1, *Air Quality*, of this FEIS show that no adverse impacts are expected. As shown in the cumulative air quality analysis in Appendix L, *Cumulative Analysis for Air Quality*, of this FEIS, the White Pine Energy Station is not expected to cause or contribute to any violations of the NAAQS, which were established to protect public health and the environment. Therefore, no human health costs are expected. The definition of the NAAQS has been added to Section 3.6.1, *Air Quality*, of this FEIS.

Inversions are a localized meteorological condition and are not created by pollution. Ground level sources of air pollution like automobiles and dust from agricultural industries can be concentrated in the atmosphere near ground-level during inversion conditions. This is caused by the cooler air settling in valleys and low-lying areas and preventing the pollution from dispersing. The White Pine Energy Station is not likely to contribute to this localized effect because its air pollution emissions would be emitted through stacks that are 600 feet above ground level and typically above any inversion condition. This is demonstrated through results of dispersion modeling discussed in Section 4.6.1.3.5 of this FEIS. Because inversions are a localized effect, emissions from the White Pine Energy Station would not be expected to contribute to adverse impacts during inversions in cities like Boise or Salt Lake because they are too far away. Additionally, the full year of onsite meteorological data utilized in the air dispersion modeling analyses would have captured any inversion conditions that occurred during the monitoring period (that is, January 2005 to January 2006). Thus, the maximum concentrations reported in the modeling results would reflect any inversion conditions that actually occurred during the monitoring period.

G8-36 Potential impacts to springs from ground water withdrawals for either the Proposed Action or Alternative 1 are addressed in Section 4.4, *Ground Water Resources*, of the DEIS and this FEIS. Also see the response to Comment G1-6 regarding effects of ground water withdrawals on springs.

Comment Letter G8

G8-37 | How will ALL developments associated with this and ALL other foreseeable development in the region affect local, regional and rangewide populations of important, sensitive and declining species?

G8-38 | Your action will lead to accelerated and increased rates of loss - and all direct, indirect and cumulative impacts to soils, vegetation, watersheds, water quality and quantity, microbiotic crusts, native vegetation communities, wildlife habitats and populations, recreational and scientific uses of these lands must be fully assessed in an EIS.

G8-39 | Information from new studies conducted in Wyoming related to the impacts of energy development on sage grouse and other sagebrush-dependent species must be fully incorporate in your analysis. Energy-development studies include study of the effects of roads, developments, noise, human activity, etc. and so are very relevant to the effects of the increased disturbance of these lands associated with the intensive coal and water mining and other energy efforts here. See Holloran 2005, for example and other studies available on-line at:

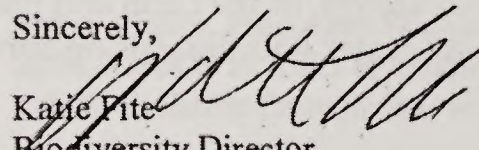
<http://www.voiceforthewild.org/SageGrouseStudies/index.html> .Please incorporate all of this information into your decisionmaking process, analysis of effects, and development of appropriate mitigation.

G8-40 | You must also fully consider the additional potential for West Nile virus transmission to wildlife and humans, or other diseases, from the various water uses, cooling, impoundments, well fields, leaks, etc. here.

We are very concerned about the disturbance to remote areas of the Goshute, Butte or other Valley areas or other sites where SWIP or other utility or ancillary lines will ultimately run here – these areas, including seasonally inundated playas in the center of the valley may be used by migratory birds.

We will be submitting comments on public lands grazing in the general region, and the Ely RMP, that we ask that you apply to this process, as they demonstrate the great deficiencies with land management here and the degradation that occurs must be fully considered as part of the cumulative impacts to public lands, wildlife and the quality of the human environment. Attached is also a bibliography that illustrates (as in Fleischner 1994) many of the harmful impacts of livestock grazing on the same resources that these developments would impact. Also please carefully review Connelly et al. 2004 and Holloran 2005 to understand some of the many impacts to sage grouse and other native species.

Sincerely,


Katie Fite
Biodiversity Director
Western Watersheds Project
PO Box 2863

- G8-37** The reasonably anticipated potential direct, indirect, and cumulative effects on all resources in the project area that would result from constructing and operating the Proposed Action or Alternative 1 are addressed in Chapter 4 of the DEIS and this FEIS. *Section 4.19, Cumulative Impacts*, of this FEIS considers the effects of all past, present, and reasonably foreseeable actions with the potential to result in cumulative impacts when combined with the potential effects of the proposed White Pine Energy Station. Cumulative impacts were analyzed for all of the resources addressed in this FEIS, including threatened, endangered, candidate, and sensitive species.
- G8-38** Effects of constructing and operating the White Pine Energy Station on each of the resources listed in this comment and on other resources not listed in this comment were analyzed in the DEIS and are analyzed in Sections 4.2 through 4.18 of this FEIS. Cumulative effects on these resources are analyzed in Section 4.19, *Cumulative Impacts*, of this FEIS. Also see the response to Comment G8-37.
- G8-39** Impacts of energy development in Wyoming have been and would be addressed in relevant permit processes specific to those developments. They are not part of the Proposed Action or Alternative 1 and are not connected actions; therefore, such actions are not addressed in this EIS.
- G8-40** Given other larger surface water bodies in Steptoe Valley (Comins Lake, Bassett Lake, Duck Creek), the White Pine Energy Station cooling ponds are not expected to add appreciably to breeding/brood areas for mosquitoes.

Comment Letter G8

Boise, ID 83701

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

Appendix U
Responses to Individual's Comments on the DEIS

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White Pine Energy Station Draft Environmental Impact Statement

Comment Form

We would appreciate your comments on the Draft Environmental Impact Statement for the White Pine Energy Station Project. Please use this form (attach additional pages if required). You may either return it before you leave this public meeting or mail to the address at the bottom of the form. The comment period ends on June 19, 2007. Thank you for participating.

I am opposed to the construction of the coal plant. It is a crime against the environment and humanity; based upon the progress in knowledge since I grew up in the coal belt of the Mid-West.

Date:

Signature:

Name (printed):

Address:

Marlene Adrian

MARLENE ADRIAN

7920 Aviano Pines Avenue

Las Vegas NV 89129-5593

Please submit to:

Bureau of Land Management
Ely Field Office
Jeffrey A. Weeks
HC 33, Box 33500
Ely NV 89301-9408

LV FIELD OFFICE

Comment Letter I2

Bureau of Land Management
Ely Field Office
Jeffrey A. Weeks
HC 33, Box 33500
Ely, Nevada 89301 - 9408

June 18, 2007

To Whom It May Concern:

I am writing to state my opposition to citing a coal-fired power plant in White Pine County for a number of reasons, including: its proximity to Nevada's only national park affecting air quality and acid deposition, its failure to use the most environmentally friendly "ultra-supercritical" coal processing technology available, the over 1500 acres that would permanently disturb the wildlife (possibly bald eagles) and vegetation in that area, the lethal impact of mercury into the atmosphere; the affect of its carbon dioxide emissions on global warming, the scarred viewscapes in the surrounding area and lowering the water table (in a state known for droughts).

White Pine Energy Associates only expect this coal plant to produce electricity for 40 years, wind and solar energy never runs out. Renewable energy firms could continue to employ Nevadans for centuries rather than half a lifetime. Alternative energy sources would be just as beneficial to White Pine's economy, employing many people who would need to use the county's facilities and services without the heavy cost on our environment.

Mozilla Firefox.Ink Coal fired power plants are the leading U.S. emitter of atmospheric mercury. Anyone can die from ingesting large quantities, but even small amounts harm children and fetuses with impaired development. The *New England Journal of Medicine* noted high mercury levels increase the chance of heart attacks in adult males. Initially found in fish and their predators, it can now be found in other birds and mammals as it moves up the food chain. The reason this plant meets the air quality standards is because the mercury emission standards were recently weakened by the current administration. California, Connecticut, New Jersey, New Mexico, and New York (among others) have all filed lawsuits charging that the new standards violate the Clean Air Act. For more information, a significant study on the effects on mercury can be found in the April 2005 issue of *Ecotoxicology*.

Coal is a dirty and destructive fuel and this power plant will add significant amounts of carbon dioxide into the atmosphere. Carbon dioxide is the gas most responsible for global warming. Renewable energy sources do not add to the CO₂ load. While coal provides about 22 % of U.S. energy, it is responsible for about 36 % of U.S. carbon dioxide releases. (Sierra Magazine, Jan/Feb 2007 - Can coal be clean?)

Locating this plant only 43 miles away from Nevada's only national park is an environmental travesty. Air pollution and acid deposition on this park were noted as environmental impacts. Nevada is noted for its clear blue skies. Don't sell them out.

There are state of the art technologies available to decrease CO₂ emissions into the atmosphere, but it appears that this coal plant will not using them. Japan and Europe have "ultra-supercritical" plants which produce less pollution and run more efficiently -significantly reducing emissions. Even China has begun constructing an "ultra-supercritical" coal plant. These plants generally emit 1/3 less

Page 1 of 2

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

Comment Letter 12

CO₂ into the atmosphere. While this technology is not as "cost effective" as others, one must consider the cost to human health and our environment. Even if this plant used this technology, it would still be a poor choice compared to renewable energy.

Considering the cost to losing our air quality, health, and wildlife, I see alternative energy as the only intelligent direction for meeting Nevada's power needs. Have you ever driven through Philadelphia? Not only are the skies gray, but the odor is repulsive. Ken Schwer, director of the Center for Business and Economic Development at UNLV said that Nevada had the greatest renewable energy potential in the West. A Reno Gazette Journal article dated 12-17-04 noted that a firm called "Energy Nevada" was investigating wind farms in No. Nevada. In conjunction with this, another company, "Nordic Wind Power" would open a manufacturing plant providing 100 jobs.

The risks associated with building any new coal-fired plant far outweighs any benefit. Since the 50s, the U.S. has tripled its CO₂ emissions. How can we think of adding more coal plants when global warming is changing our lives? While neighboring states and countries throughout the world are pledging to reduce greenhouse gases, how can we knowingly approve of an industry that we know will significantly contribute to this problem?

Sincerely,

Valerie Andersen
4330 Settler Dr.
Reno, NV 89502

ph: 775-828-0302

Public Services Librarian
Western Nevada College

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

Comment Letter I3

FROM : WP COUNTY CLERK

FAX NO. : 7752892544

Jun. 18 2007 11:29PM P1

James & Donna Bath
570 First Street
Ely, Nevada 89301

June 17th, 2007

Jeffrey A. Weeks, Associate Field Manager
Ely Bureau of Land Management
HC 33 Box 33500
Ely, Nevada 89301

RE: DES 07-19 Draft EIS for White Pine Energy Station

Dear Mr. Weeks:

We sincerely appreciate the opportunity to offer comment on the Draft EIS for the White Pine Energy Station, and would submit the following:

We support the Proposed Action over Alternative I for the following reasons;

- (1). The proposed action would have a much less visual impact to the Duck Creek Basin.
- (2). It would provide for less construction of linear facilities outside of Utility Corridors, since the Proposed Action site is closer to US 93, the NNRy and the SWIP Corridor.
- (3). Using northern wells for their water supply would keep the water closer to McGill, Nevada available for future economic growth in the McGill/Ely area if needed.
- (4). Coal trains would have a shorter commute, lessening air emissions and impacts to private property owners at the south end of Steptoe Valley.
- (5). The Proposed Action will require approximately 100 acres less permanent Right of Way and permanently disturb approximately 60 fewer acres of land.
- (6). The Proposed Action site is closer to potential wind energy developments in the Egan Range which could potentially share electric line infrastructure.
- (7). It appears that the Proposed Action does not overlap with private property.

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

Comment Letter I3

FROM: WP COUNTY CLERK

FAX NO. : 7752892544

Jun. 18 2007 11:30PM P1

Ely BLM
June 17th, 2007
Page 2

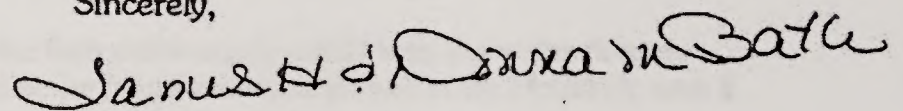
We additionally support the Proposed Action over No Action for the following reasons:

- (1.) No Action would not provide much needed economic benefits to White Pine County.
- (2.) No Action would not supply growing energy needs.
- (3.) No Action would not put White Pine County's Water to beneficial use and we would face the possibility of losing even more of our precious water to SNWA.
- (4.) No Action would not cause an investment in electric transmission infrastructure in White Pine County. An Investment in electric lines would more than likely spur needed renewable energy projects in rural Nevada.

We have read and agree with the statement of purpose, and need as presented in the Executive Summary. We feel that BLM and White Pine Energy Associates provided adequate opportunity for input on the methods used and the air quality analysis and feel satisfied that the analysis addressed the issue of emissions based on the existing thresholds and air shed designations.

We would like to submit our support for the acceptance of the Draft EIS for White Pine Energy Associates.

Sincerely,

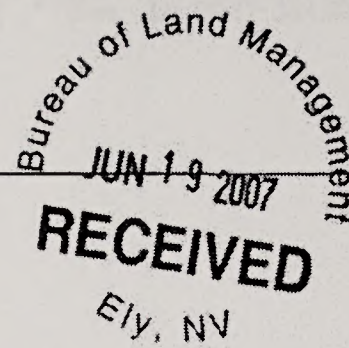


JAMES H. & DONNA M. BATH

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

Hank Blair

From: "Hank Blair" <hblair@mwpower.net>
To: "Jeff Weeks" <jeffweeks@nv.blm.gov>
Sent: Thursday, June 19, 2031 3:37 PM
Subject: White Pine Draft EIS, Energy Station Project



Congratulations on completing this large document on the EIS for the Energy Station Project. Unless I missed something, all the concerns I had, have been addressed and I hope the project gets completed. Two of the major concerns I had, were Air Quality Emissions and Water Rights held by White Pine County, if the Energy Station Project doesn't get completed. The discovery of Mercury in some of the streams and lakes of White Pine County is of great concern and the addition of more pollution could adversely affect the fish and other wildlife populations of the County and adjoining areas. Since the plant has yet to be completed, I believe the drought and wildland fires could be a main factor in the increased levels of Mercury that has been discovered in the studies already completed. I hope that the newest technology will be used to curb any addition the levels of Mercury already discovered in the watersheds. If the Energy Station Project doesn't get completed, I hope the water rights obtained from White Pine County will revert back to the County for any other beneficial use that could come at a later date. The traffic and road concerns were addressed and I am satisfied that no financial liability will fall on the County on the building of the new facility, if it gets built. The building of a project of this size, will be a great benefit to the citizens of White Pine County and help ease the burden of the financial crisis the County is now enduring.

Hank Blair

No comments on the White Pine Energy Station DEIS were delineated for the letter shown on the facing page.

White Pine Energy Station Project Draft Environmental Impact Statement

Comment Form

We would appreciate your comments on the Draft Environmental Impact Statement for the White Pine Energy Station Project. Please use this form (attach additional pages if required). You may either return it before you leave this public meeting or mail to the address at the bottom of the form. The comment period ends on June 19, 2007. Thank you for participating.

Although ground water use has been reduced from 25,000 acre ft. to 5,000 ac. feet, there are still 12 areas where springs are that will be affected. This will most certainly affect the wild life in these areas that are dependent on the springs. This is a dry area & many animals will die for lack of water. The wilderness areas (Garfield) & Zion National Park as well as Great Basin & Ruby Lake Wildlife Refuge are national treasures that will be affected by air quality. This may affect the flora & fauna over time. In this 21st century with a concern →

Date: 5-9-07
 Signature: Elaine Carrick
 Name (printed): Elaine Carrick
 Address: 6180 S. Featherstone Cir.
 Reno, NV 89511

Please submit to: Bureau of Land Management
 Ely Field Office
 Jeffrey A. Weeks
 HC 33, Box 33500
 Ely NV 89301-9408

RENO

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

for global warming, I am amazed that
a coal fired plant that ~~that~~ the EIS
statement admittedly says will affect air
quality is actually being considered!

I am completely against this project
& will talk with other people to
have it defeated.

Shame on the BLM for considering
to sell this land for this project.

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

Comment Letter I6

Oden, Eric/BOI

Subject: FW: White Pine County Enegr Center

"Steven E. Cobb"
<secobb23@aol.com>
>

06/28/2007 12:06
AM

Doris_Metcalf@blm.gov

To

cc

Subject
White Pine County Enegr Center

Dear Mrs. Metcalf,

My name is Steve Cobb and I am a resident of Las Vegas, Nevada, and have been for about 20 years. Last May I visited a good friend of mine who lives within miles of the new proposed "White Pine County Energy Center" and what I don't understand is why it needs to be there. Sure I read the proposal and all the other garbage that went with it, I even heard a speech made by the folks from Sierra Pacific telling the Las Vegas Chamber of Commerce how good of an idea it was. I don't know if you have been up there, and I can only hope that you have, but this place is too beautiful to be forever destroyed so a couple of rich tycoons can make more money. We live in a great age of technology and with the resources and will of the people of this country we have always set our goals high when we wanted to achieve greatness. So why not place solar, wind, or geothermal energy alternatives to work in the great state of Nevada instead of polluting the state with "clean coal power"? Coal is not clean, period! Hold it in your hand and tell me how clean it is. I think the BLM needs to rethink its policies after all you must answer to the American people and not the corporate interest. I'm sure if I had a G-4 and could fly you around to your favorite vacation spots and wine and dine you, then maybe I might be able to be taken more seriously. Why don't you think about the people that live there and have to breath the air that plant will pollute. The BLM has let the state down so many times in its past. For one, having grown up in Las Vegas I have seen how you have sold off the land to real estate moguls all in the name of growth. What did we get out of that? Over population, increased pollution, traffic, energy increases, and a out of control housing market. I guess that was all done in the name of growth right? Maybe you should look at Boulder Colorado's model, I think they have a lot to teach you. I hope that when you read this that you may look into yourself and ask could we do something better for the state of Nevada? Can we back out of this deal and look for better alternatives? In twenty years I would like to be able to visit White Pine County and not see it changed by corporate greed.

A Concerned Nevadan,

Steven E. Cobb
Have Shot Foot

No comments on the White Pine Energy Station DEIS were delineated for the letter shown on the facing page.

Bureau of Land Management
JUN 07 2007

RECEIVED

Jeffrey Weeks -

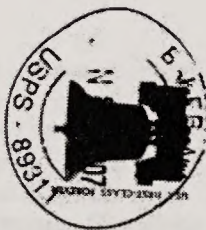
Have some moral backbone
Don't rubber-stamp the
coal plant eis. You know
in your heart it's wrong.

Follow your heart.

Laurie Cruikschank,
WP Co landowner

Laurie Cruikschank
Box 105
Baker, NV 89311

Ely BLM - J. Weeks
HCC 33 Box 33500
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No comments on the White Pine Energy Station DEIS were delineated for the letter shown on the facing page.

White Pine Energy Station Project Draft Environmental Impact Statement

Comment Form

We would appreciate your comments on the Draft Environmental Impact Statement for the White Pine Energy Station Project. Please use this form (attach additional pages if required). You may either return it before you leave this public meeting or mail to the address at the bottom of the form. The comment period ends on June 19, 2007. Thank you for participating.

18-1 ① IN THE STATEMENT OF PURPOSE, WE ARE TOLD THAT ELECTRICITY WILL BE GENERATED IN AN ENVIRONMENTALLY RESPONSIBLE MANNER. HOW IS BURNING FOSSIL FUEL ENVIRONMENTALLY RESPONSIBLE ??

18-2 ② THE PLANT WILL BE AN EYESORE. HOW DO YOU INTEND TO RESTORE BEAUTY AFTER YOU DESTROY IT ??

18-3 ③ ONCE NEVADA'S ONLY NATIONAL PARK LOSES ITS AIR QUALITY, HOW DO YOU RESTORE IT?

18-4 ④ HOW CAN A CLEAN AIR ACT "ESTABLISH AN ALLOWABLE DETERIORATION OF AIR QUALITY?"

Date:

Signature:

Name (printed):

Address:

Laurie Cruikshank

LAURIE CRUIKSHANK

BOX 105 BAKER 89311

Please submit to:

Bureau of Land Management
Ely Field Office
Jeffrey A. Weeks
HC 33, Box 33500
Ely NV 89301-9408

ELY

- 18-1 As used in the DEIS and this FEIS, the phrase “environmentally responsible manner” is intended to mean that the White Pine Energy Station would meet or exceed all applicable environmental regulations and that environmental considerations were taken into account in the power plant design and construction procedures. See the response to Comment G2-6 for examples of environmentally responsible aspects of the proposed project.
- 18-2 The visual impacts of constructing and operating the White Pine Energy Station are described in Section 4.7, *Visual Resources*, of the DEIS and this FEIS. Use of Best Management Practices (Appendix C), *Visual Resources* Section, will minimize visual impacts to the extent practicable. Examples of several of these BMPs are constructing outside surfaces of project features with materials that restrict glare, and finishing these surfaces with flat tones intended to blend with the surrounding predominantly rural environment. In addition, night lighting of project features would be limited and directed downward to reduce visual impacts on the night landscape. These measures are consistent with the guidelines contained in “Simple Guidelines for Lighting Regulations” found at www.darksky.org.
- 18-3 The Class II air quality analysis results presented in FEIS Sections 4.6.1.3.5, *Class II Area Dispersion Modeling Results*, and 4.19.3.6.1, *Air Quality*, are applicable to Great Basin National Park and demonstrate that the Proposed Action and Alternative 1 would not cause or contribute to any exceedance of the National Ambient Air Quality Standards (NAAQS), which were set to protect public health and welfare. Therefore, Nevada’s only national park (that is, Great Basin National Park) is not expected to lose its air quality.
- 18-4 Under the Clean Air Act, the Prevention of Significant Deterioration (PSD) “increment” standards specify the maximum allowable increases in air pollutant concentrations above baseline levels. Importantly, the Clean Air Act does not allow construction of new sources that would cause an exceedance of the NAAQS, which are set to protect human health and welfare. Figure 1 in Appendix L, *Cumulative Analysis for Air Quality*, is helpful in illustrating this concept.

Additional information is found at the U.S. Environmental Protection Agency’s (EPA’s) website called “The Plain English Guide to the Clean Air Act” at <http://www.epa.gov/air/caa/peg/>.

Comment Letter I9

TO: Bureau of Land Management
Ely Field Office
Jeffrey A. Weeks
HC 33, Box 33500
Ely, Nevada 89301-9408



FROM: Robin V. Davis, Licensed Professional Geologist
524 East Browning Avenue
Salt Lake City, Utah 84105
phone 801-486-0757

DATE: June 13, 2007

RE: Comments on Draft Environmental Impact Statement (DEIS) for proposed
White Pine Energy Station (WPES) in White Pine County, Nevada.

Enclosed please find my comments to the Bureau of Land Management's (BLM) Draft Environmental Impact Statement (DEIS) for the proposed White Pine Energy Station (WPES) in White Pine County, Nevada. Thank you for this opportunity to review and comment on the DEIS.

19-1 The proposed WPES project set forth in the DEIS is seriously flawed because it does not meet the requirements or intent of NEPA, and because it cannot be implemented in "an environmentally responsible manner." This project would cause deleterious, irreversible effects on water and air quality for current and future generations. The proposed WPES is not an environmentally responsible proposal. This proposed project should be denied or revised in a way that ensures public land is not consumed for a private project that creates obvious sources of air pollution and significant disturbance to public land. Specifically:

- 19-2 1. The project is regionally irresponsible because Utah is downwind of Nevada and suffers from air, surface water and aquatic mercury pollution emitted from Nevada projects and mines. Some of these excessive emissions have somehow escaped Nevada's regulatory authority to monitor and enforce emissions. Based on the demonstrated weak enforcement, additional mercury emissions, and other pollutants regulated under the federal Clean Air Act from the proposed project are unacceptable.
- 19-3 2. The purpose and need of this project are not defensible in the terms specified by NEPA because modern-day standards and practices of generating electricity using alternative methods that depend on renewable sources and have far less

19-1 The BLM believes this FEIS appropriately and adequately addresses the potential impacts of the White Pine Energy Station. Section 4.21 of this FEIS describes and discloses the unavoidable adverse impacts on project area resources that would remain following the implementation of mitigation measures summarized in Section 4.20. Section 4.23 of this FEIS summarizes the irreversible and irretrievable commitments of project area resources and concludes there would be no project-related irreversible impacts on water resources and air quality. See the response to Comment 18-1 regarding the phrase "an environmentally responsible manner."

19-2 A discussion on mercury control has been added to Section 2.5.4, *Alternative Air Pollution Control Strategies*, in this FEIS. Estimated maximum annual mercury emissions were added to Table 4.6-4 (that is, 0.15 ton per year) with additional discussion of mercury emissions presented in Section 4.6.1.1.6, *Mercury*, in this FEIS. Also, Appendix D, *Evaluation of Alternative Control Strategies*, has been added to this FEIS.

The cumulative impact analysis (Section 4.19.3.6.1, *Air Quality*, in this FEIS) explains that the operation of the White Pine Energy Station is expected to increase the amount of mercury present in the air and water by a small, incremental amount. This section also includes an estimate of the upper bound of the incremental increase in mercury deposition that could occur as a result of the Station. Also, Appendix L, *Cumulative Analysis for Air Quality*, has been added to this FEIS. New background information on Mercury has been added to Section 3.6.1.1.7, *Mercury*, in this FEIS.

Also, see the response to Comment G1-2.

19-3 Renewable energy alternatives (for example, wind and solar) are evaluated in Section 2.5.1, *Alternative Power Generating Technologies*, in the DEIS and this FEIS. As shown in this section, the renewable energy alternatives are not capable of providing baseload power or are not available at the proposed White Pine County location and are therefore not considered reasonable alternatives to the proposed project. For additional discussion of renewable energy sources, see the response to Comment G1-28.

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- 19-4 | environmental impacts have not been considered. Conservation must also be considered.
- 19-5 | - The proposal makes no mention of employing Best Available Control Technology for minimizing emissions in accordance with the federal Clean Air Act, or capturing and/or sequestering emissions.
- 19-6 | - NEPA requires federal agencies to consider reasonable and feasible alternatives to the proposed action, but this DEIS fails to consider other economically-beneficial means of generating electricity in a less environmentally harmful manner because the only alternatives identified other than the "no action alternative" is "Alternative 1" which is merely a different location than the one proposed.
- 19-7 | - The public would be much more accepting of the use of federal, publicly-funded land if the intended use was wind-generated power, photovoltaics, or other methods that do not degrade environmental resources and quality of life.
- 19-7 | - WPES has not explored the options that are most reasonable, practical and less polluting. Reports by the Southwest Energy Efficiency Project show that the State of Nevada can offset 4,600 GWh/yr by 2020 by implementing energy efficiency and conservation measures. Electricity-generating technologies that are low water-consuming and themselves low energy-consuming are widely available and proven and must be considered in the NEPA process. Moreover, development and implementation of innovative technologies has the greatest return on investment compared to arcane technologies like coal, thus further stimulating regional economies.
3. Low cost electricity in an "environmentally responsible manner" using coal is not currently possible without substantial high-cost emissions scrubbers, high transportation costs, and surface and air impacts. The cost-benefit ratio of a coal-based scenario is only positive in the short-term and unfairly produces greater benefits to private industry than the public, especially for long-term consequences like increased air pollution, depleted groundwater resources, and the deleterious consequences of coal mining remotely.
- 19-8 | 4. Disposal of public land for private profit is not an adequate purpose as defined by NEPA. The public would lose access to property it funds for reasons that benefit private industry but a very small segment of the public. The DEIS fails to consider locating the proposed enterprise on private property.
- 19-9 | 5. The proposed project is not hydrologically responsible for future water resources and water users, and does adequately protect water resources for Nevada or Utah. Nevada is the most arid of the United States; Utah is second. The proposed project involves consuming inordinate amounts of water, which affects Nevada's

19-4 Conservation was considered. As shown in FEIS Section 2.5.2, *Conservation/Energy Efficiency*, conservation and energy efficiency programs are not capable of offsetting the growing need for baseload generation in the Western United States. Therefore, generation of baseload power remains a valid part of the purpose and need for the project. Also, see the responses to Comments to G1-28 and F1-10.

19-5 Section 2.5.4, *Alternative Air Pollution Control Technologies*, and Appendix D, *Evaluation of Alternative Control Strategies*, of this FEIS describe the Best Available Control Technology (BACT) process, including the range of technologies evaluated and the factors used to select the appropriate technology for the White Pine Energy Station.

Carbon capture and sequestration is not currently available for the proposed project. However, a memorandum of understanding between WPEA and the State of Nevada (see Appendix F of this FEIS), signed on November 20, 2007, would require the facility to be designed and constructed in a manner to be "Carbon Capture Ready" so that the facility can be retrofitted in the future with carbon dioxide capture and sequestration. As part of this requirement, seven acres of land would be set aside for each coal fired boiler to allow for the installation of this technology. These commitments are stated in Chapter 2 of this FEIS (see Section 2.2.3.1.2, *Land Set-Aside for Future Carbon Capture Technology*) describing the Proposed Action and Alternative 1 and discussed further in Appendix E, *Carbon Capture and Sequestration*, of this FEIS. Figure 2-2 has been modified to show the approximate location of the land set-aside. Also see the response to Comment G1-34.

19-6 See the responses to Comments I9-3 and G1-28 regarding potential alternatives and the evaluation of these potential alternatives.

19-7 Section 2.5.1, *Alternative Power Generating Technologies*, of this FEIS, explores the range of potentially reasonable alternatives considered. Among the alternatives considered were renewable non-combustible energy resources, renewable combustible energy resources, non-renewable combustible energy resources, and other forms of energy resources including low water-consuming generating technologies. Conservation/energy efficiency is addressed in Section 2.5.2 of this FEIS. See the response to Comment I9-4 regarding the evaluation of conservation and energy efficiency and the responses to Comments F1-10 and G2-9 for detailed discussions of conservation and energy efficiency. In brief, the demand for power in the western United States exceeds the amount that can be reasonably expected to be offset by conservation and energy efficiency.

19-8 The Purpose and Need statement for the proposed White Pine Energy Station does not include the disposal of public land. FLPMA authorized the disposal of public land (43 C.F.R. Section 2711.3-3(a). In addition, the BLM, in compliance with the White Pine County Conservation Recreation and Development Act of 2006 (PL 109-432), has been directed to make available for disposal up to 45,000 acres in White Pine County. See the response to Comment G2-11 for discussion of the analysis of a number of potential project sites, including sites located on private property.

19-9 Both the Proposed Action and Alternative 1 would use only 20 percent (5,000 acre-feet) of the 17,000 acre-feet of water that is currently earmarked for this project and for which the ground water rights were granted by the State Engineer who determined in 1983 that using the ground water of Steptoe Valley for power generation would be beneficial to the interests of the State of Nevada. The results of the analysis of ground water impacts in the DEIS and this FEIS support the conclusion that the ground water resources of the Steptoe Valley will not be depleted as a result of either the Proposed Action or Alternative 1. This topic is discussed further in the response to Comment G1-5.

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groundwater supply and that of Utah's Snake Valley. These valley aquifers are considered vulnerable to drawdown because of their hydraulic connection to each other (Steptoe, other valleys in Nevada, and Snake Valley, Utah), based on the findings presented in the U.S. Geological BARCASS study (June 1, 2007). While the BARCASS study did reveal that a relatively small amount of groundwater exists that was not detected in historical studies, the BARCASS study did not include in their calculations and future projections this DEIS proposal, or the pumping project proposed by the Southern Nevada Water Authority (SNWA). Furthermore, the extra groundwater discovered in the BARCASS study is not enough to satisfy the needs of both Nevada projects without causing significant depletion of water resources.

6. Promoting the exploitation of coal is regionally irresponsible because of the severe surface impacts it causes due to surface erosion, degradation of water resources, and destruction of scenic landscapes and wildlife in the coal extraction areas, and inordinate fuel consumption and roadway impacts in the transportation of the coal to the point of use.

I9-10

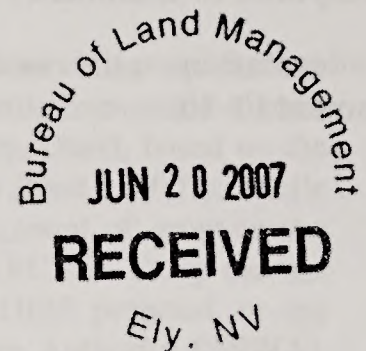
7. WPES customers are not identified and the DEIS therefore presents no factual basis to support the need for the WPES proposal.

19-10 WPEA is an independent power producer (IPP). Power from the White Pine Energy Station would be sold on a wholesale basis to utilities, municipalities, and/or cooperatives. These potential customers of the White Pine Energy Station would in turn sell the power to the end users of the electricity. See the response to Comment F1-1 for further discussion.

For information on the need for new baseload power in the western United States, see the response to Comment F1-10.

Comment Letter I10

Jeffrey A. Weeks
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Comments on the Draft Environmental Impact Statement for the LS Power plant proposal

E.S 1.2 Purpose (p. ES-1) and Table 2-4 (p. 2-66) Comparison of Alternatives. I question the logic and validity of several of the criteria used to select coal above the other alternatives.

- I10-1 ☐ Why do the WPC water rights have to be put to use to meet the need for more electricity? Table 2-4 indicates that wind meets most other criteria, but was ruled out because it didn't use water. That makes no sense. If water is needed, then the rights are there. If an alternative doesn't need water, that should be considered a plus, not a minus, in a desert state. If not used now, the water can be saved for the future. If not used, it means the water stays in the environment where it belongs.
- I10-2 ☐ Why does the alternative have to provide business for the Nevada Northern Railway? Their profits should have no bearing on the decision being made regarding public land. If they profit, it should be considered a side benefit, but again, not a criteria that would eliminate a more environmentally friendly option such as solar or wind.
- I10-3 ☐ Table 2.4 on page 2.66 lists the criteria that were used to select coal. It adds an additional criteria not found in ES 1.2 of being able to provide 1590 MW. The project purpose calls for more electricity, but does not specify a minimum output. So if another alternative provides less MW, but meets the other necessary criteria with fewer environmental impacts, how can that option be ruled out?
- I10-4 ☐ Why aren't pollution, health, and diminished quality of life criteria? These are more important than profits for NNR or unnecessarily using water rights.

The stated purpose and need for this project, outlined in E.S. 1.2 and ES 1.3 (p. ES-1) is "*to supply reliable, low-cost electricity in an environmentally responsible manner to meet baseload energy needs in Nevada and the western United States, and to bring economic benefits to White Pine County, Nevada.*"

- I10-5 ☐ This DEIS does not provide all reasonable alternatives to meet the stated need for the project. The only alternatives are the Proposed Action (coal fired power plant), Alternative 1 (same coal fired power plant in a different location), and No Action. That is hardly a range of options.
- I10-6 ☐ LS Power's website lists Egan Wind as a project under development in White Pine County. This very same company is working on a wind generating station in this county, which means such a fuel is reasonable, do-able, and cost effective. So, why isn't wind listed as a reasonable alternative?

The reason Steptoe Valley was chosen, according to E.S. 1.3 (p. ES-2) is "*the availability of a water supply*" and elsewhere it claims that White Pine County has a "reliable" water source, extremely important to the project.

- I10-7 ☐ Did these assessments of water availability throughout the DEIS take into consideration the recent awarding of 40,000-60,000 acre feet of water yearly to SNWA from neighboring Spring Valley? How can White Pine County claim to have a "reliable" source of water, when even the State Engineer is unsure of the impacts of pumping our limited and non-rechargeable water supply by

I10-1 A letter from the White Pine County Board of County Commissioners to the BLM, dated July 11, 2007 (White Pine County, 2007), provides a good account of why using their water rights should be part of the alternatives screening criteria and Purpose and Need Statement. In 1980, the State Engineer issued an order designating Industrial/Power Generation as the preferred use of ground water in Steptoe Basin. Following a public hearing in 1983, the Nevada State Engineer granted White Pine County the rights to withdraw up to 25,000 acre-feet per year of ground water in Steptoe Valley for industrial purposes, including power generation. That letter points out that the water rights granted to White Pine County by the Nevada State Engineer were to be used for power production. If these rights are not used for that beneficial use, they could be forfeited or otherwise lost by the county. Further, any change in use by the county would require approval by the state engineer and would be subject to protest and/or denial. It should also be noted that in response to public concerns, WPEA revised its proposed cooling system to reduce ground water annual consumption from 25,000 acre-feet to 5,000 acre-feet. Also see the response to Comment G1-28.

It should be noted that wind power was not eliminated as a potential alternative based solely on the water use criterion. The primary factor precluding wind power as a reasonable alternative was the inability of wind power to meet the need for baseload power that exists 24 hours per day, 7 days per week.

I10-2 A letter from the White Pine County Board of County Commissioners to the BLM, dated July 11, 2007 (White Pine County, 2007), stated that using the City of Ely's Nevada Northern Railroad (NNR), which is being rebuilt by local government entities, should be part of the Purpose and Need Statement and the alternatives screening criteria. The county reasoned that the White Pine Energy Station would use the NNR, thereby providing revenues to help ensure the success of that venture. NNR railroad facilities were included in the Interim Development Agreement between White Pine County and WPEA for the proposed White Pine Energy Station (see Appendix A). Inclusion of the use of the NNR in the Purpose and Need Statement and as an alternative screening criterion in the DEIS and this FEIS is appropriate because it was a significant factor in locating the proposed White Pine Energy Station in Steptoe Valley.

See the response to Comment I9-6 regarding the power generating technologies, including renewable clean energy alternatives such as solar, wind, geothermal, and hydroelectric, that were considered in the analysis of alternatives to the use of pulverized coal for the proposed project

I10-3 Baseload generation serves the constant demand for electricity that exists regardless of the time of day or season of the year. In order to provide for this demand in the most economical way, these types of generating facilities need to be large scale units. Developing multiple smaller scale generation alternatives increases the cost of electricity to end consumers and would be contrary to the purpose of supplying reliable, low-cost baseload electricity produced. Regarding the 1,590-MW maximum nominal capacity of the Proposed Action, see the response to Comment G1-28 for additional discussion of the deference afforded the applicant in terms of the design of the project.

I10-4 Pollution and health are considerations included in the ability to obtain environmental permits (particularly air quality and water quality permits), which was one of the criteria used ("environmentally permissible") to judge alternative generation technologies in Section 2.5.1 of the DEIS and this FEIS. Pollution and health were also addressed as part of the impact analysis of the alternatives carried forward for detailed evaluation. These are discussed in the DEIS and this FEIS in Section 4.3 for Surface Water Resources, Section 4.4 for Ground Water Resources, Section 4.6.1 for Air Quality, and Section 4.12 for Hazardous and Solid Wastes.

"Quality of life" was not explicitly evaluated but would be a very subjective evaluation consideration. Socioeconomic effects could be considered to be related to quality of life. See FEIS Section 4.17 for a discussion of socioeconomic effects.

- I10-5 Section 2.5, *Alternatives Considered but Eliminated from Detailed Evaluation*, discusses the results of the screening process that was used to evaluate and compare alternatives for various project features and components. Rationale is presented in this section explaining why certain alternatives were eliminated from further consideration and why other alternatives were carried forward for detailed evaluation in the DEIS. Based on the evaluation of potential alternatives, all reasonable alternatives capable of meeting the purpose and need for the project were carried forward for detailed evaluation. See the response to Comment G1-28 for additional discussion.
- I10-6 As discussed in the response to Comment I9-6, wind power was analyzed as a potential alternative power generating technology. However, because of its intermittent nature, wind power cannot offer high reliability consistently and it cannot offer a reliable baseload operation capacity of 1,590 MW. Wind power also would not result in the beneficial use of water held by White Pine County for power production in Steptoe Valley, an important project purpose and need. Wind power can meet intermittent and/or peaking power needs and is being proposed by various parties throughout the country for that purpose. See the response to Comment G1-28.
- I10-7 The response to Comment I9-9 discusses hydrologic connectivity and the quantity of water present in the basin-fill aquifer in Steptoe Valley that would be used by the proposed project. The impacts analysis in the DEIS and this FEIS does consider the recent decision by the State Engineer to award Southern Nevada Water Authority rights to ground water in Spring Valley. However, it is not considered a cumulative impact because the ground water that would be pumped from the basin-fill aquifer system in Steptoe Valley for either the Proposed Action or Alternative 1 is not directly connected hydrologically to the ground water in Spring Valley. Modeling of the impacts of the production of ground water for the White Pine Energy Station from wells in Steptoe Valley did not indicate any effect on ground water resources in Spring Valley.

The annual demand for water by either the Proposed Action or Alternative 1 together with the most recent known ground water demand by other permitted ground water users will use less than 15,000 acre feet of ground water. This is only a small fraction of the annual ground water perennial yield of Steptoe Valley (70,000 acre-feet).

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Comment Letter I10

I10-7 (cont.) ↑ SNWA? How do we know enough water exists to meet the significant demand from this power plant?

I10-8 □ Did these statements also take into consideration the USGS's recent determination that the groundwater between valleys in Nevada is connected?

Section E.S. 2.4 (p. ES-7) claims that "*Alternative power generating technologies and fuels were eliminated because they did not meet one or more of the six key criteria that were developed to evaluate the technical and economic feasibility, environmental soundness, and ability of the alternative energy technologies to meet the project purpose and need.*"

I10-9 □ Why is one of the six key criteria for eliminating alternative fuels "*cost effectiveness relative to pulverized coal*" if coal was just one option subjected to these same key criteria? This analysis is faulty, and proves that coal was selected before the criteria were determined. What criteria, then, was coal subjected to? The purpose and need is simply to provide electricity, not specifically coal-powered electricity. The objective criteria would have been simply "cost effectiveness" that would compare several options against each other, or the cost to consumers.

I10-10 □ How cost effective is pulverized coal when it has to be transported in from hundreds of miles away because there is no coal here, and the power generated sent hundreds of miles away through transmission lines because it is not needed here? Were transportation costs, transmission costs, maintenance, or gas prices all figured into the "cost-effectiveness" of coal?

I10-11 □ How did coal rate higher than any other option in the category of "environmental soundness" when it is proven one the most polluting technologies still in use today and when that industry alone contributes 30% of this country's greenhouse gas emissions? Renewable energy options would have to come out on top.

The Summary of Impacts by Resource, Table ES-2 on p. ES-9, Visual Resources (3.7 and 4.7) states that the power plants would meet "*all VRM class objectives except for one location.*"

I10-12 □ If the plants fail at one location, then they cannot possibly meet all the objectives. If this VRM is an applicable standard, then what authority is there for dismissing the fact these plants don't meet all objectives?

The Summary of Impacts by Resource, Table ES-2 on p. ES-9, Recreation Resources (3.8 and 4.8) states the only impacts to be "*increase in the use of recreation resources*" by construction employees of the plant.

I10-13 □ This claim cannot be proven, and seems rather silly. Who can predict with any certainty that the specific construction workers on this project will spend their weekends hiking and camping?

I10-14 □ The real impacts were left out. All the negative visual and environmental impacts outlined in the DEIS would directly affect the trails and campgrounds in the area, potentially leading to less use of those areas, not more.

Section 3.8 Recreation Resources (p.121) lists only those trails and campgrounds within 50 miles of the power plant.

I10-15 □ Why 50 miles? Where did that figure come from? Great Basin National Park's trails and campgrounds, suspiciously only 57 miles away, are not listed. The DEIS states that air quality and visibility could be impacted as far away as Zion National Park, 300 miles away.

- 110-8** The U. S. Geological Survey's recent determination that the ground water between certain valleys in Nevada is connected is from the Basin and Range Carbonate Aquifer System (BARCAS) Study, which currently is in draft form. However, this conclusion of interconnectivity of ground water across hydrographic areas in White Pine County pertains to ground water in deep fractured rock. These BARCAS Report findings are discussed in Section 3.4.2, *Local Conditions*, of this FEIS. The water supply for either the Proposed Action or Alternative 1 would be ground water from the basin-fill deposits of Steptoe Valley that are not directly connected hydrologically to adjacent hydrographic areas. See the response to Comment G1-24 regarding the BARCAS report and further discussion of aquifer connectivity.
- 110-9** WPEA's Proposed Action (for a right-of-way from BLM) in this NEPA process is to construct and operate a pulverized coal generating plant. The DEIS and this FEIS assess alternative generation technologies to that Proposed Action. Therefore, it is appropriate to compare the cost effectiveness of those alternative technologies to that of the Proposed Action. Because low-cost energy is in the public interest and pulverized coal-fueled generation provides the lowest-cost energy among the potential alternatives, energy costs for the various alternatives were appropriately compared to the cost of electricity generated with pulverized coal. Also, see the response to Comment G5-3. Additionally, see generally the response to Comment G1-28 regarding the deference afforded to the applicant in terms of proposing components of a project.
- 110-10** Cost comparisons discussed in Section 2.5.2, *Alternative Power Generating Technologies*, of this FEIS reflect the total levelized cost to construct, operate, and maintain a facility over its economic life converted to equal annual payments. These cost estimates include the relevant factors cited by the commenter.
- 110-11** The criterion evaluated was "environmentally permissible" (if the alternative could be permitted), not "environmental soundness." The environmentally permissible criterion consists of numerous aspects. It considers potential impacts to natural resources, air quality, water quality, wildlife, vegetation, aquatic life, water resources, and soils and how those potential impacts may affect the permissibility of the generation technology. Therefore, emissions of greenhouse gases were not the sole factor used to determine whether a given alternative was capable of meeting the environmentally permissible criterion. It should be noted that the potential air emissions from the White Pine Energy Station will meet NDEP and U.S. Environmental Protection Agency (EPA) air quality standards and under current law are considered permissible.
- 110-12** The visual resources contrast rating system, as described in BLM Manual 8431 – Visual Resource Contrast Rating, is a systematic process used by the BLM to analyze potential visual impacts of proposed projects and activities and to determine whether they are consistent with the BLM's visual resource management (VRM) classes. The VRM classes serve as management objectives for the BLM and not as standards. BLM Manual 8431 states this assessment process provides a means for determining visual impacts and for identifying measures to mitigate those impacts. The BLM Manual states that the overall VRM management goal is to minimize visual impacts, and that mitigation measures should be prepared for all adverse contrasts that can be reduced. It should be noted that the BLM can issue a ROW grant for a land use that does not meet or is not consistent with a VRM class.

For the proposed White Pine Energy Station, Table 4.7-2 of the DEIS shows that under the Proposed Action the power plant would be visible at Key Observation Point (KOP 3), Lincoln Highway, because of the scale of the cooling towers, generator stacks, and to a lesser degree the power plant. It would, therefore, not meet VRM Class III objectives. Under Alternative 1 the power plant would be visible at KOP 4, U.S. 93 Turnoff, for the same reasons. As described in Appendix C, *Best Management Practices*, the BMPs that would be implemented would help reduce the visual impacts of facilities except for the cooling towers and generator stacks under both alternatives.

- I10-13** The description in Table ES-2 this comment refers to is only a summary of the impacts. The text in Section 4.8, *Recreation Resources*, of the DEIS and this FEIS provides detail on the full range of impacts to recreation. The text in Section 4.8 assumes that there could be a slight increase in the use of recreational resources resulting from the presence of additional workers in the area during project construction and, to a much lesser extent, during project operation. This cannot be proven with any certainty, but should be acknowledged as a reasonably foreseeable potential impact.
- I10-14** The description in Table ES-2 this comment refers to is only a summary of the impacts. The text in Section 4.8, *Recreational Resources*, of the DEIS and this FEIS provides detail on the full range of impacts to recreation. Visual impacts are addressed in Section 4.7, *Visual Resources*. The text in Section 4.8 recognizes potential visual impacts from the proposed project on recreation resources, but it also addresses other direct impacts on recreation resources. Specific environmental impacts on other project area resources are addressed under the appropriate resource area in Chapter 4 of the DEIS and this FEIS.
- I10-15** Interdisciplinary Team discussions were held at the beginning of the process to determine the extent of the analysis area for recreation. Based on the extent defined in similar EIS projects, 50 miles was determined to be an appropriate range for analyzing recreational resources. Great Basin National Park does not fall within the defined analysis area. Visual and air quality impacts to Great Basin National Park are addressed in Section 4.6.1.3.5, *Class II Area Dispersion Modeling Results*, in this FEIS because the analysis area for those resources is different than that for recreation. It is important to disclose that none of the Proposed Action or Alternative 1 project features would be visible from any location within Great Basin National Park. Periodic use of Great Basin National Park campgrounds and other facilities may be expected from construction and operational employees of the White Pine Energy Station.

In a related analysis regarding Great Basin National Park that provides some insight into the potential for project-related effects on recreational resources, the potential for water impacts to Great Basin National Park was analyzed. In its comments on the Draft Prevention of Significant Deterioration (PSD) Air Permit for the White Pine Energy Station, the National Park Service identified Baker Lake as the most acid-sensitive lake at the park. Based on the acid deposition analysis provided in Section 4.19.3.6.1, *Air Quality*, and in Appendix L, *Cumulative Analysis for Air Quality*, of this FEIS, the White Pine Energy Station would not cause or contribute to any adverse effects to Baker Lake, the most sensitive aquatic ecosystem identified by the National Park Service in Great Basin National Park. Therefore, no adverse effects are expected because of acid deposition in Great Basin National Park.

Comment Letter I10

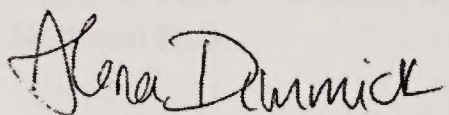
Section 3.6.1.1.10 Greenhouse Gases (p. 101) states "*Information from various sources indicate an increase in the atmospheric concentration of greenhouse gases over the past century. Local concentrations of carbon dioxide and other greenhouse gases are irrelevant in this context, as the issue pertains to the global buildup of these gases.*"

- I10-16 ☐ This statement may be the most asinine in the entire DEIS. So, the greenhouse gases that will be emitted in White Pine County will somehow not find their way into the global concentration of greenhouse gases? How is that scientific and/or logical? This plant will contribute to worldwide greenhouse gases (a collection of local greenhouse gases in case there is any confusion), making that statement untrue.

Section 4.17 Socioeconomics (p.198) states that these stations would "*help diversify the local economy and support the development of infrastructure...resulting in less dependence of the boom-and-bust cycle of the mining industry.*"

- I10-17 ☐ The projected need for employees goes something like this: 50 people to start construction, 1200 people for 4-5 years during construction, then 135 full time employees during operation. How does that differ from the boom-and-bust cycle of mining this project claims to eliminate? The boom of construction, followed by the bust of operation. All the infrastructure, services, housing and facilities needed for 1200 construction workers, most not local, will quickly be obsolete and left empty once construction is finished.

- I10-18 In summary, this DEIS states that exceedences of visibility requirements would occur in the Jarbridge Wilderness and Zion National Park, that dozens of springs would be impacted, that that station would not comply with BLM VRM standards, hazardous materials would be stored on site, a half dozen cultural sites eligible for designation on the National Register of Historic Places would be impacted, there are potential affects to special status species because of habitat loss, visual impact would be significant from all of Steptoe Valley. The increase in jobs and additions to the local economy would be minimal and would have no significant long term effect in solving the boom-and-bust economy. How then, can the Preferred Alternative selected by the BLM be to build these plants as proposed? That conclusion is illogical, and is not supported in the DEIS. The best alternative is No Action.



Alana Dimmick
12 Great Basin
Baker, Nevada 89311

110-16 Further analyses of climate change have been added to this FEIS to expand on and clarify the information presented in the DEIS. Section 3.6.2, *Climate Change*, includes a broad discussion of the currently observed impacts to resources associated with climate change. Section 4.6.2, *Climate Change*, has been added to this FEIS to describe projected future changes in climate, along with discussions of the various factors thought to influence climate. Section 4.19.3.6.1, *Air Quality*, has been revised to discuss the potential incremental cumulative impacts of emission sources on climate change. Finally, Appendix M, *Understanding and Evaluating Climate Change*, has been added to this FEIS. Also see the response to Comment G1-8.

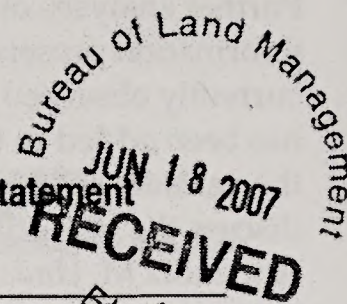
110-17 While the number of project workers would diminish notably after the construction phase, the close of the construction phase would not be expected to result in a "bust" period for the County. The proposed White Pine Energy Station (unlike a mining project) is expected to generate tax revenue for White Pine County long after the construction phase is complete. See FEIS Section 4.17, *Socioeconomics*. Also, the expected life of the project should be longer than the life of many mining projects.

Two types of worker housing would be built, and none of the housing is expected to be abandoned and left empty or obsolete after construction. Onsite worker housing would be the majority of the units built and would be completely removed after construction. In-town housing for workers with families would be built and would likely be available for non-project-related uses once the construction phase is over. For example, these housing units may be available as affordable housing for local residents. See Section 4.9.1 of this FEIS for additional discussion of housing.

110-18 The BLM selected the Proposed Action as the Preferred Alternative for the DEIS based on its analysis of the two action alternatives that were carried forward for detailed evaluation and the No Action Alternative. The primary consideration was which alternative best meets the purpose and need of the project and which has the least environmental impacts across the wide range of resources considered in the EIS. The final decision by the BLM as to which alternative will be approved will be done after full assessment of the impacts and benefits of each alternative and public input on the DEIS. That decision will be documented in the Record of Decision.

White Pine Energy Station Project Draft Environmental Impact Statement

Comment Form



We would appreciate your comments on the Draft Environmental Impact Statement for the White Pine Energy Station Project. Please use this form (attach additional pages if required). You may either return it before you leave this public meeting or mail to the address at the bottom of the form. The comment period ends on June 19, 2007. Thank you for participating.

I am concerned about the decline in the surface water and ground water levels. There are several proposed well sites which will affect the water on my property. This will cause a major impact on being able to use the fields for the cattle.

The water hole in my pasture located in Township 24 North, Range 63 East provides water for the cattle. The cattle have to be taken off the range in March and April of each year and that pasture is the only land that I can put the cattle on. Also if the surface water declines much it will affect the grasses that grow in the pasture.

Also the cattle are put in the slough field located in Township 23 N, Range 63 East in August, September and October of each year. There is a well in the field that is used to pump water for the cattle to drink. If the water level declines too much, there will not be any water.

When the trains were running previously, many cattle were hit and killed by the train.

Date: June 13, 2007
Signature: Gordon V. Foppiano
Name (printed): GORDON V. FOPPIANO
Address: P. O. Box 150691
ELY, NV 89315

Please submit to: Bureau of Land Management
Ely Field Office
Jeffrey A. Weeks
HC 33, Box 33500
Ely NV 89301-9408

ELY

No comments on the White Pine Energy Station DEIS were delineated for the letter shown on the facing page.

RECEIVED
JAN 13 1981
BUREAU OF LAND MANAGEMENT

Division of Land Management
Bureau Office
Bureau of Land Management
1615 N. 1st St.
Helena, MT 59601

I am writing to you regarding the White Pine Energy Station (WPAES) project. The project is a coal-fired power plant located in the State of Montana.

The project is a coal-fired power plant located in the State of Montana. The project is a coal-fired power plant located in the State of Montana. The project is a coal-fired power plant located in the State of Montana.

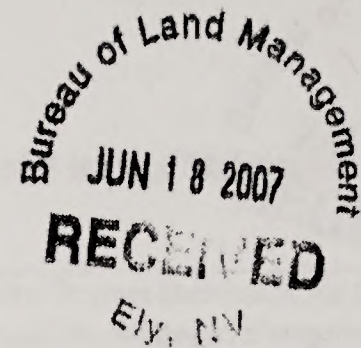
The project is a coal-fired power plant located in the State of Montana. The project is a coal-fired power plant located in the State of Montana. The project is a coal-fired power plant located in the State of Montana.

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[Handwritten signature]
Name of the person who signed the letter

[Handwritten signature]
Name of the person who signed the letter

Bureau of Land Management
Ely Field Office
Jeffery A. Weeks
HC 33, Box 33500
Ely, NV 89301



I am against the White Pine Energy Associates LLC/LS Power/Dynegy (WEPA) construction of a coal-fired power plant in Steptoe Valley.

The planned plant does not utilize the latest, cleanest technology. There will be no carbon dioxide sequestration. And cleaner, safer, and less destructive sustainable energy generation technology exists that will ultimately be better for the economy in the long run.

It is a terrible mistake to give or sell a huge tract of **public** land for private profit, that will substantially damage even more public land, damage ecosystems, injure and prematurely kill public nearby, and may contribute to extreme climate change.

112-1

Please, do not allow the WEPA Environmental Impact Statement to pass as written. The document is flawed, omits numerous impacts, and ignores real world conditions.

Thank you,

Signature

Name

Address

City

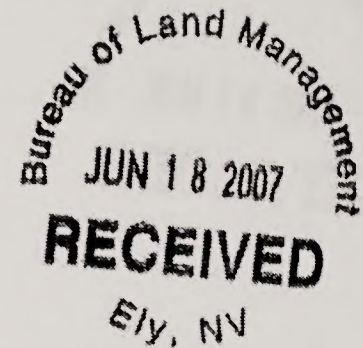
State

Zip

112-1

Chapter 4, *Environmental Consequences*, of the DEIS and this FEIS discloses anticipated impacts of the proposed White Pine Energy Station and Chapter 3, *Affected Environment*, describe the existing conditions with the best available information, including new data collection specific to the proposed project.

Bureau of Land Management
Ely Field Office
Jeffery A. Weeks
HC 33, Box 33500
Ely, NV 89301



I am against the White Pine Energy Associates LLC/LS Power/Dynegy (WEPA) construction of a coal-fired power plant in Steptoe Valley.

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Please, do not allow the WEPA Environmental Impact Statement to pass as written. The document is flawed, omits numerous impacts, and ignores real world conditions.

Thank you,

Signature Delores Marques

Name DELORES MARQUES

Address 203 Heritage Drive

City Ely

State NV

Zip 89301

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.



Received by [illegible]
[illegible]
[illegible]
[illegible]
[illegible]

The following comments were received from the public during the public hearing on the White Pine Energy Station DEIS held on June 10, 1981.

The public hearing was held at the White Pine Energy Station. The following comments were received from the public during the public hearing on the White Pine Energy Station DEIS held on June 10, 1981.

It was noted that the public hearing was held at the White Pine Energy Station. The following comments were received from the public during the public hearing on the White Pine Energy Station DEIS held on June 10, 1981.

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Page 12 of 12

Bureau of Land Management
Ely Field Office
Jeffery A. Weeks
HC 33, Box 33500
Ely, NV 89301



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Thank you,

Signature Valerie Hume

Name VALERIE HUME

Address 423 Mummy St

City Ely

State NV

Zip 89301

Bureau of Land Management
Ely Field Office
Jeffery A. Weeks
HC 33, Box 33500
Ely, NV 89301



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Please, do not allow the WEPA Environmental Impact Statement to pass as written. The document is flawed, omits numerous impacts, and ignores real world conditions.

Thank you,

Signature 

Name Aaron Bagie

Address 9 Great Basin National Park

City Baker

State NV

Zip 89311

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

RECEIVED
JAN 15 1980
U.S. DEPT. OF ENERGY

Division of Environmental Management
U.S. Dept. of Energy
Washington, D.C. 20545
Attn: Mr. [illegible]

I am writing to you regarding the White Pine Energy Station (WES) project in the State of Idaho. The project is a coal-fired power plant with a capacity of 1,100 megawatts.

The project is located in the White Pine County area. The project area is approximately 10,000 acres. The project is a coal-fired power plant with a capacity of 1,100 megawatts.

It is a large project and will require a large amount of land. The project area is approximately 10,000 acres. The project is a coal-fired power plant with a capacity of 1,100 megawatts.

Thank you for your interest in the project. I am sure you will find the information in this letter helpful. I am sure you will find the information in this letter helpful.

Very truly yours,
[Signature]

Director, Division of Environmental Management

U.S. Department of Energy

Washington, D.C. 20545

Enclosure

11829 2 94311

Bureau of Land Management
Ely Field Office
Jeffery A. Weeks
HC 33, Box 33500
Ely, NV 89301



I am against the White Pine Energy Associates LLC/LS Power/Dynegy (WEPA) construction of a coal-fired power plant in Steptoe Valley.

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Please, do not allow the WEPA Environmental Impact Statement to pass as written. The document is flawed, omits numerous impacts, and ignores real world conditions.

Thank you,

Signature M Niesen

Name Maria Niesen

Address 9 Great Basin NP

City Baker

State NV

Zip 89311

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.



Division of Fish and Game
P.O. Box 100
Bozeman, Montana
59717-0100

I am enclosing the 12-page letter to the Fish and Game Commission (WSPA) concerning the proposed White Pine Energy Station.

The enclosed letter contains the Fish and Game Commission's comments on the proposed White Pine Energy Station. The letter also contains the Fish and Game Commission's recommendations regarding the proposed White Pine Energy Station.

It is a matter of fact that the proposed White Pine Energy Station will have a significant impact on the Fish and Game Commission's resources. The Fish and Game Commission's resources are limited, and the proposed White Pine Energy Station will have a significant impact on the Fish and Game Commission's resources.

Thank you for your letter of June 10, 1971, regarding the proposed White Pine Energy Station. The Fish and Game Commission's comments on the proposed White Pine Energy Station are enclosed for your information.

Very truly yours,

John A. McQuinn, Director

John A. McQuinn, Director

June 12, 1971

Mr. G. U.

Mr. G. U.

Bureau of Land Management
Ely Field Office
Jeffery A. Weeks
HC 33, Box 33500
Ely, NV 89301



I am against the White Pine Energy Associates LLC/LS Power/Dynegy (WEPA) construction of a coal-fired power plant in Steptoe Valley.

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Thank you,

Signature Nicholas Brunson

Name NICHOLAS BRUNSON

Address 23 AVE H

City MEGILL

State NV

Zip 89318

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.



U.S. DEPARTMENT OF ENERGY
OFFICE OF ENERGY DELIVERY
AND ENERGY RELIABILITY
WASHINGTON, D.C. 20585
MAY 11 1994

1. The proposed White Pine Energy Station (WPE) is located in the
vicinity of a small town in the State of Nevada.

The proposed WPE is a coal-fired power plant. The plant will be an
addition to the existing power generation facilities in the area. The
plant will be owned and operated by the Nevada Power Company.

It is a well-known fact that the construction of a power plant is a
major project. The construction of the WPE will require the
construction of a large dam and the installation of a large
generator.

The construction of the WPE will require the construction of a large
dam and the installation of a large generator. The construction
of the WPE will require the construction of a large dam and the
installation of a large generator.

Very truly yours,

John W. Decker, Director

John W. Decker, Director

John W. Decker, Director

John W. Decker, Director

John W. Decker, Director

Bureau of Land Management
Ely Field Office
Jeffery A. Weeks
HC 33, Box 33500
Ely, NV 89301



I am against the White Pine Energy Associates LLC/LS Power/Dynegy (WEPA) construction of a coal-fired power plant in Steptoe Valley.

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Thank you,

Signature Thomas Tolbert

Name Thomas Tolbert

Address HC 33 Rt 33020

City Ely

State NV

Zip 89301

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

Bureau of Land Management
Ely Field Office
Jeffery A. Weeks
HC 33, Box 33500
Ely, NV 89301



I am against the White Pine Energy Associates LLC/LS Power/Dynegy (WEPA) construction of a coal-fired power plant in Steptoe Valley.

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Thank you,

Signature Charles F. Marques

Name CHARLES F MARQUES

Address 203 Heritage Dr

City Ely

State NV

Zip 89301

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

RECEIVED
JAN 11 1981

U.S. DEPARTMENT OF ENERGY
OFFICE OF ENERGY DELIVERY
AND ENERGY RELIABILITY
WASHINGTON, D.C. 20545

I am writing to you regarding the White Pine Energy Station DEIS. The DEIS is a document that describes the proposed project and its potential impacts on the environment.

The DEIS is a document that describes the proposed project and its potential impacts on the environment. It is a document that is required by the National Environmental Policy Act (NEPA) and is used by the public and the government to make decisions about the project.

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Very truly yours,

Director, Office of Energy Delivery and Energy Reliability

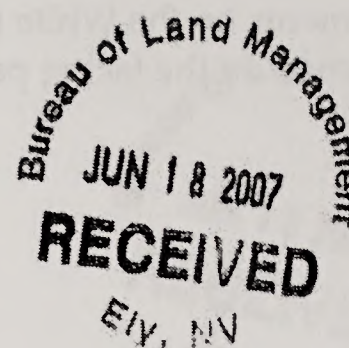
Assistant Director, Office of Energy Delivery and Energy Reliability

Assistant Director, Office of Energy Delivery and Energy Reliability

Assistant Director, Office of Energy Delivery and Energy Reliability

Assistant Director, Office of Energy Delivery and Energy Reliability

Bureau of Land Management
Ely Field Office
Jeffery A. Weeks
HC 33, Box 33500
Ely, NV 89301



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Thank you,

Signature Diana Goodyear

Name DIANA GOODYEAR

Address 18 FALCON WAY

City YERINGTON

State NV

Zip 89447

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.



Division of Land Management
BY MAIL ONLY
Room 4, North
Bldg. 200, Reno
Box 1000

I am replying to the White Pine Energy Station DEIS regarding the construction of a coal-fired power plant in Inyo County.

The proposed plant does not utilize the latest energy technology. There will be no energy efficiency improvements. The plant will produce significant energy generation technology costs that will ultimately be borne by the ratepayers in the long run.

It is a fact that the plant will emit a large amount of pollutants and particulates. The plant will also emit a large amount of greenhouse gases, which will contribute to global warming and climate change.

There is no other use for the White Pine Energy Station site as a power plant. The site is a good example of a power plant site that has been abandoned.

Thank you.

Respectfully,
[Signature]

Name: [Name]
Address: [Address]
City: [City]
State: [State]
Zip: [Zip]

Phone: [Phone]
Fax: [Fax]

E-mail: [Email]

Date: [Date]

Bureau of Land Management
Ely Field Office
Jeffery A. Weeks
HC 33, Box 33500
Ely, NV 89301



I am against the White Pine Energy Associates LLC/LS Power/Dynegy (WEPA) construction of a coal-fired power plant in Steptoe Valley.

The planned plant does not utilize the latest, cleanest technology. There will be no carbon dioxide sequestration. And cleaner, safer, and less destructive sustainable energy generation technology exists that will ultimately be better for the economy in the long run.

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Please, do not allow the WEPA Environmental Impact Statement to pass as written. The document is flawed, omits numerous impacts, and ignores real world conditions.

Thank you,

Signature Rodney G Scherer

Name Rodney G Scherer

Address P.O. Box 252

City Battle Mt.

State NV

Zip 89302

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

RECEIVED
JAN 13 1980
U.S. DEPARTMENT OF ENERGY
WASHINGTON, D.C. 20585

I am respectfully requesting the transmission of a copy of the power plant in Idaho Valley.
It is a facility which is to be a new and improved plant for power production.
will substantially improve the power plant in Idaho Valley and during the construction
phase will still provide power to the area. It is a new and improved plant for power production.
the new plant will be a new and improved plant for power production. It is a new and improved
to the construction of the new and improved plant for power production.

Enclosed with this letter is a copy of the letterhead memorandum (LHM) dated 1/10/80
of the Idaho Valley power plant for the transmission of the power plant.

I am enclosing the White Pine Energy Station DEIS. I am enclosing the
DEIS for the White Pine Energy Station. I am enclosing the DEIS for the
White Pine Energy Station. I am enclosing the DEIS for the White Pine Energy Station.
I am enclosing the DEIS for the White Pine Energy Station. I am enclosing the DEIS for the
White Pine Energy Station. I am enclosing the DEIS for the White Pine Energy Station.

Thank you

James D. [Signature]

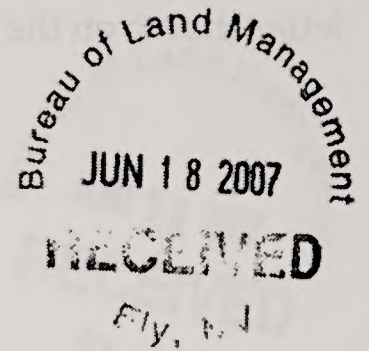
James D. [Signature]

James D. [Signature]

James D. [Signature]

James D. [Signature]

Bureau of Land Management
Ely Field Office
Jeffery A. Weeks
HC 33, Box 33500
Ely, NV 89301



I am emphatically against the construction of a coal-fired power plant in Steptoe Valley.

It is a terrible mistake to give or sell a huge tract of **public** land for private profit, that will substantially damage even more public land, damage and destroy large ecosystems, injure and kill public nearby (and far away), and contribute to extreme climate change – that may ultimately result in trillions of dollars in losses, kill millions of people, and lead to the extinction of maybe as many as a million species.

Cleaner, safer, and less destructive energy generation technology exists that will ultimately be better for the economy in the long run.

113-1 Please, do not allow the White Pine Energy Associates LLC Environmental Impact Statement to fast track through your system. The document is flawed, omits numerous impacts, and ignores real world conditions – all to promote short-term profits for a callus corporation that apparently doesn't care about anything other than short-term profits.

Thank you,

Signature Demetri Mellos

Name Demetri Mellos

Address #45th Street Po Box 766

City Hayden

State NV

Zip 89318

Bureau of Land Management
Ely Field Office
Jeffery A. Weeks
HC 33, Box 33500
Ely, NV 89301



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Thank you,

Signature

A handwritten signature in dark ink, appearing to read "Jeffery A. Weeks", written over a horizontal line.

Name

A handwritten name "Jeffery A. Weeks" in dark ink, written over a horizontal line.

Address

A handwritten address "3392 N 33500 E" in dark ink, written over a horizontal line.

City

A handwritten city name "Kimberly" in dark ink, written over a horizontal line.

State

A handwritten state abbreviation "ID" in dark ink, written over a horizontal line.

Zip

A handwritten zip code "89301" in dark ink, written over a horizontal line.

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

RECEIVED
MAY 11 1981
U.S. DEPARTMENT OF ENERGY

Director, Office of Environmental
Policy and Compliance
U.S. Department of Energy
Washington, D.C. 20585

I am writing to you regarding the comments on the White Pine Energy Station DEIS that were received from the public during the public hearing held on May 11, 1981. The comments were received from the public during the public hearing held on May 11, 1981. The comments were received from the public during the public hearing held on May 11, 1981.

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Very truly yours,

Director, Office of Environmental
Policy and Compliance
U.S. Department of Energy

Bureau of Land Management
Ely Field Office
Jeffery A. Weeks
HC 33, Box 33500
Ely, NV 89301



I am emphatically against the construction of a coal-fired power plant in Steptoe Valley.

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Thank you,

Signature Mat Miller

Name MATT Miller

Address 767 Sunnyside Court

City Gardnerville

State NV

Zip 89460

Bureau of Land Management
Ely Field Office
Jeffery A. Weeks
HC 33, Box 33500
Ely, NV 89301



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Thank you,

Signature Justin Joyner

Name JUSTIN JOYNER

Address P.O. BOX 88

City Lund

State NV

Zip 89317

Bureau of Land Management
Ely Field Office
Jeffery A. Weeks
HC 33, Box 33500
Ely, NV 89301



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Thank you,

Signature Andrew L. Joyner

Name Andrew L. Joyner

Address 4 Cottonwood LN

City YERINGTON

State NV

Zip 89447

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

RECEIVED
JAN 11 1981
FBI

Director of FBI
Washington, D.C.
20535

The following information was received from the White Pine Energy Station DEIS on January 10, 1981. It is a copy of the letterhead memorandum (LHM) dated January 10, 1981, and is being furnished to you for your information. The LHM is being furnished to you for your information and is not to be used for any other purpose. The LHM is being furnished to you for your information and is not to be used for any other purpose.

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Bureau of Land Management
Ely Field Office
Jeffery A. Weeks
HC 33, Box 33500
Ely, NV 89301



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Thank you,

Signature Leon Treants

Name LEON TREANTS

Address 11 LIDA CIR

City CARSON CITY

State NV

Zip 89706

Bureau of Land Management
Ely Field Office
Jeffery A. Weeks
HC 33, Box 33500
Ely, NV 89301



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Thank you,

Signature Valerie Telleria

Name Valerie Telleria

Address 1671 Burkstein Dr.

City Ely

State NV

Zip 89301

Bureau of Land Management
Ely Field Office
Jeffery A. Weeks
HC 33, Box 33500
Ely, NV 89301



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Thank you,

Signature Karl Turner

Name KARL TURNER

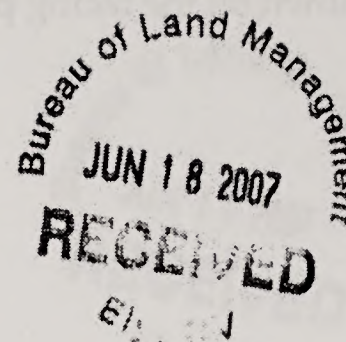
Address PO Box 88

City Lund

State Nevada

Zip 89317

Bureau of Land Management
Ely Field Office
Jeffery A. Weeks
HC 33, Box 33500
Ely, NV 89301



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Thank you,

Signature

Name

Kelly DeTorre

Address

844 Ave. H

City

Ely

State

Nevada

Zip

89301

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

Bureau of Land Management
Ely Field Office
Jeffery A. Weeks
HC 33, Box 33500
Ely, NV 89301



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Thank you,

Signature TS R

Name Thomas Brunson

Address HC 33 Box 33123

City Ely

State NV

Zip 89301

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.



Division of Land Management
100 West 100
P.O. Box 100
100 West 100

The Department of the Interior, Bureau of Land Management, is reviewing the comments received on the White Pine Energy Station DEIS. The comments received on the DEIS are being reviewed and the results of the review will be provided to the public. The Department of the Interior, Bureau of Land Management, is reviewing the comments received on the White Pine Energy Station DEIS. The comments received on the DEIS are being reviewed and the results of the review will be provided to the public.

Signature

Date

Page

Page

Page

Bureau of Land Management
Ely Field Office
Jeffery A. Weeks
HC 33, Box 33500
Ely, NV 89301



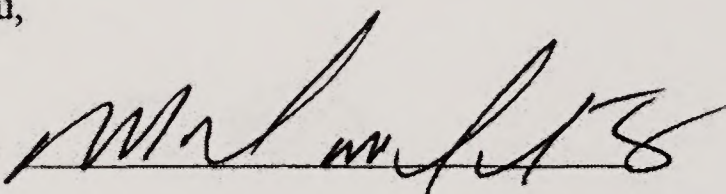
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Thank you,

Signature 

Name Manuel Del Toro

Address 1224 Jessie Rd

City Henderson

State NV

Zip 89002

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U.S. DEPT. OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
PO BOX 1207
MONTICELLO, NM 87403
FEB 14 1983

I am respectfully request the comment of a well-known power plant in Indian Valley.
It is a well-known fact in this area that a well-known power plant in Indian Valley has
not substantially changed over the years and the power plant has been
in use and it is public knowledge that the power plant has been in use since 1950 -
the only difference is that in 1950 it was a well-known power plant and in 1983
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Thank you

Sincerely,

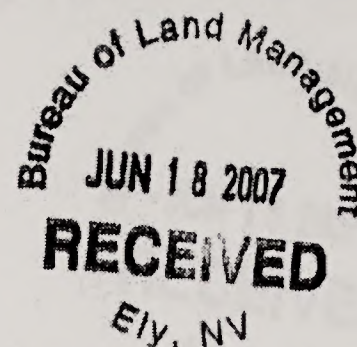
John A. Miller, Jr.

Address: 1111 N. 1st St.

PO Box 1207

Monticello, NM 87403

Bureau of Land Management
Ely Field Office
Jeffery A. Weeks
HC 33, Box 33500
Ely, NV 89301



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Thank you,

Signature

A handwritten signature in dark ink, appearing to read "MANUEL A. DEL TORO", written over a horizontal line.

Name

MANUEL A. DEL TORO

Address

844 AVE. H

City

ELY

State

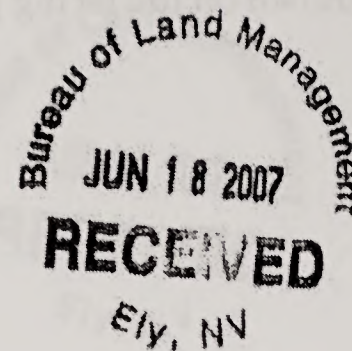
NV

Zip

89301

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Bureau of Land Management
Ely Field Office
Jeffery A. Weeks
HC 33, Box 33500
Ely, NV 89301



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Thank you,

Signature Jessica Brady

Name Jessica Brady

Address ~~7097 Tamar~~ 844 Avett

City Ely

State NV

Zip 89301

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11/15/82
10:11 AM
11/15/82
10:11 AM
11/15/82
10:11 AM

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Bureau of Land Management
Ely Field Office
Jeffery A. Weeks
HC 33, Box 33500
Ely, NV 89301



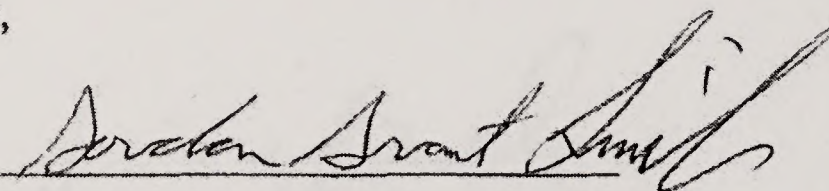
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Thank you,

Signature 

Name Cardon Grant Smith

Address P.O. Box 3334

City Wendover Nevada

State NV

Zip 89883

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

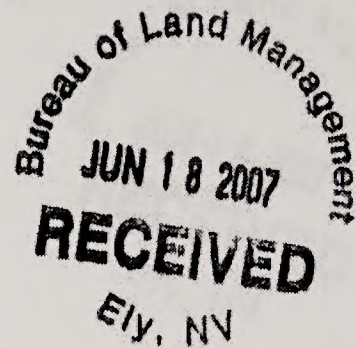


Received by
Mr. [illegible]
June 11, 1981
10:00 AM

[Faint, mostly illegible text, likely a letter or report. Some words like "The", "and", "of" are visible.]

[Faint, mostly illegible text, likely a signature block or list of names. Some words like "Name", "Address", "City" are visible.]

Bureau of Land Management
Ely Field Office
Jeffery A. Weeks
HC 33, Box 33500
Ely, NV 89301



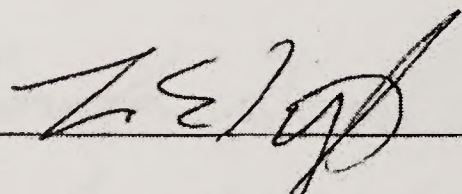
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Thank you,

Signature 
Name Terry E. Trujillo
Address 6155 Soaker Fieldway
City Kearns Ct
State Ut. Zip 84118

Bureau of Land Management
Ely Field Office
Jeffery A. Weeks
HC 33, Box 33500
Ely, NV 89301



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Thank you,

Signature Anita L. Treants

Name ANITA L. TREANTS

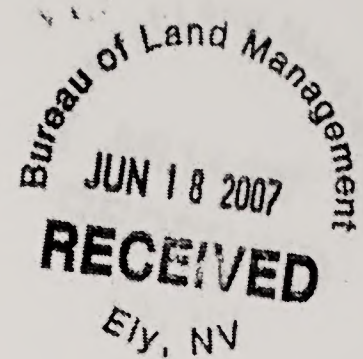
Address 11 LIDA CIR

City CARSON CITY

State NV

Zip 89706

Bureau of Land Management
Ely Field Office
Jeffery A. Weeks
HC 33, Box 33500
Ely, NV 89301



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Thank you,

Signature Julie Thompson

Name Julie Thompson

Address PO Box 151912

City Ely NV 89315

State NEVADA

Zip 89315

Bureau of Land Management
Ely Field Office
Jeffery A. Weeks
HC 33, Box 33500
Ely, NV 89301



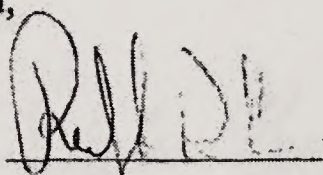
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Thank you,

Signature 

Name Robert Horne

Address 390 Suburban

City Ely

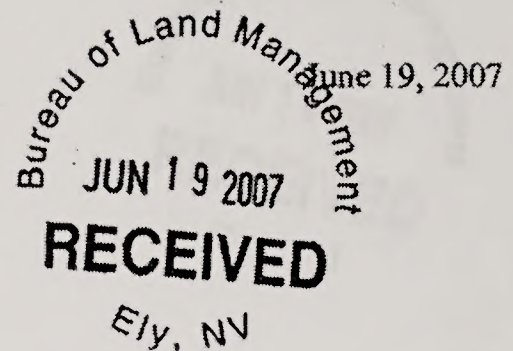
State NV

Zip 89301

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

Comment Letter I14

Jeffrey A. Weeks
Bureau of Land Management
HC33 Box 33500
Ely, NV 89301



Dear Mr. Weeks,

I have reviewed the Draft Environmental Impact Statement for the proposed White Pine Energy Station (LS Power). As a resident of White Pine County, I feel the need to comment on the proposed actions. This is a major action that will affect the lives of not only White Pine County residents and those that visit our area but will also affect the global community as climate change caused by fossil fuel burning and the emission of greenhouse gases is the number one threat to our environment. Please accept my comments and please take them seriously.

Need and Background Section

- I14-1 In the need and background section of the document (ES-1 and ES-2), a few flaws become clear, namely: A) The location requirements for why the White Pine Energy Associates want to chose White Pine County are not unique to White Pine County. Certainly the towns of Wendover or Wells could also support such a facility, and probably with less impact. There is plenty of water in the East Humboldt Range, plenty of adequate housing facilities along I-80 (Wendover has over 1,000 motel rooms). Railways pass through these communities as well. If not these communities, what about locations that are closer to areas in need of increased supply of power such as Las Vegas or Southern California? To find the best location, I suggest a rigorous GIS analysis that
- I14-2 combines that factors that White Pine Energy Associates are considering. This analysis should be included in the EIS.

The need states that the proposed power facility would enhance the quality of life of the residents of Ely and White Pine County. This absolutely wrong – the proposed facility would harm the quality of life here. People live here because of the clean air and abundant natural resources that are dependent on water. The facilities would cause great harm by overcrowding our schools, streets and businesses. I don't personally know anyone in White Pine County that is for the proposed action.

Alternatives

- I14-3 This DEIS only considers the "no action" and a very similar action to the proposed action as alternatives. This is apparent in the summary of likely impacts of the two alternatives (other than the no action) – they have the same impacts other than a few minor acreage differences! The alternatives should have clearly different sets of impacts, otherwise the two proposed actions are essentially the same. The spirit of the National Environmental Policy Act dictates that the alternatives should have different sets of impacts – otherwise the analysis is futile.

- I14-1 As stated in Section 1.2, *Purpose, Need and Background*, of this FEIS, the proposal to locate the Station in Steptoe Valley was based on the following factors: (1) the proposed site is located near the NNR, which would be used to supply coal to the power plant; (2) the proposed site is near an existing utility corridor that is permitted for a new 500 kV electric transmission line; (3) the proposed site can be easily accessed via US Highway 93 and is within a short driving distance from Ely and McGill; (4) the site is centrally located to existing, permitted ground water sources held by White Pine County that have a designated use of power production.

The availability of a previously permitted water supply was among the key factors in WPEA's decision to undertake the proposed project and to site it at the proposed location in White Pine County. A reliable and economical water supply is central to a low-cost baseload, steam-generating power plant.

Siting the Station in White Pine County would also meet long-held county objectives of attracting a coal fired electric generation facility to bring needed and desired economic benefits to the county, strengthening and stabilizing the county economy, and, therefore, improving the quality of life for county citizens. See the response to Comment G1-28 for a discussion of the importance of considering the goals of local governments such as White Pine County.

While it is possible that other sites in the region share some site characteristics in common with the Steptoe Valley location, the combination and close proximity of all necessary factors makes the Steptoe Valley location a unique site. Additionally, the proposed site in White Pine County may be considered optimally located with respect to minimizing impacts to protected Class I airsheds by maximizing the distance between the proposed project and the various Class I airsheds in the region. Locating the proposed project at Wendover or Wells as the commenter suggests would move the White Pine energy Station significantly closer to the Jarbidge Wilderness Area, increasing the impacts to air quality related values at this protected area. Thus, the potential alternate locations mentioned by the commenter would not be expected to result in environmental improvements.

- I14-2 No applicable requirement mandates that the DEIS or this FEIS include a siting analysis evaluating all areas of the western United States or a GIS analysis combining all the factors considered in siting the proposed project. Alternative plant locations are evaluated in Section 2.5.3, *Alternative Power Plant Site Locations*, and geographic information is included in Figure 2-19, which shows the various study areas included in the analysis of alternative locations. See the response to Comment I14-1 for a discussion of the important factors considered in siting the proposed project. Additional siting analyses are not required.

- I14-3 The DEIS and this FEIS consider, evaluate, and compare a number of project features and components that were used in developing the Proposed Action and Alternative 1, which are summarized below. National Environmental Policy Act (NEPA) requires that a range of alternatives, including the No Action Alternative, be considered but NEPA does not dictate that the alternatives have different sets of impacts. Nonetheless, the impacts associated with the various alternatives are not identical, as demonstrated in the impact discussions in Chapter 4 of the DEIS and this FEIS. Also see the response to Comment F1-4 and Section 2.5, *Alternatives Considered but Eliminated from Detailed Evaluation*, in the DEIS and this FEIS for a discussion of alternatives considered but eliminated from further consideration and the screening process that was used.

Regarding siting for the proposed project, see the responses to Comments I14-1 and I14-2.

I14-4 | There are certainly more actions available that would create a supply of energy to meet increased demands and at the same time cause much less environmental impact than the proposed action. For an action so large it is imperative to consider more than just a no action alternative under the letter of the law (NEPA). Alternative actions could consist of some combination of renewable energy development such as wind and solar power as well as energy conservation. Alternative locations could even be considered as alternative actions – maybe Steptoe Valley isn't the best place for this, but who knows? Other areas were excluded from rigorous analysis.

The six criteria for determining “the alternatives considered during scoping but eliminated from further consideration” are not adequate for rejecting an alternative, especially:

I14-5 | *“Place water held by White Pine County for power production in Steptoe Valley to beneficial use for power production”* – Why should we eliminate alternative energy generating technologies simply because they don't use water? Given that water is a limiting resource and needed by many interests including ranching and wildlife, it makes more sense to me to look specifically at sources of energy that don't use water or at least minimize their use of water.

I14-6 | *“Provide traffic for the NNR”* – why is it imperative that the energy generating source provide traffic for the NNR? Does this meet any of the points of the BLM's mission statement?

It seems that these criteria were created simply to reject alternatives such as wind and solar, which would otherwise be viable when considered in unison with energy conservation.

I14-7 | This DEIS does not consider energy conservation as an alternative. It is not even an alternative considered by eliminated from analysis. If we're getting by right now, why can't we conserve and use more efficient technologies on the user end? It is not apparent from this document if this is a viable option or not.

The Affected Environment and Environmental Consequences

I14-8 | This DEIS does mention that the proposed action and alternative 1 could lead to an increase in spread of invasive weed cheatgrass. But this DEIS does not consider the impacts of increased spread of cheatgrass and the impacts that this could have on the fire regime, i.e. increase in fire frequency and size which would cause additional loss of wildlife habitat, increased costs of fire suppression and post-fire stabilization and rehabilitation treatments, and further degradation of air quality due to increased levels of smoke.

I14-9 | The Visual Resource section of this DEIS does not address the impacts caused by increased haze or smog by the proposed actions, only the “facilities”. The impacts of reduced visibility would likely cover a large area including Great Basin National Park and even into Utah. Eastern Nevada has some of the best visibility in the United States and impacts to this resource would be a great loss.

- 114-4 The White Pine Energy Station has been proposed in response to the need for baseload energy that exists 24 hours per day, 7 days per week. As discussed in the response to Comment G1-28, renewable energy (such as wind or solar) is not capable of producing baseload power. Additionally, as discussed in the responses to Comments G1-28 and F1-10, conservation and energy efficiency do not supplant the need for new baseload generating capacity. As a result, a combination of renewable energy with energy efficiency/conservation is not considered a reasonable alternative to the proposed project.
- 114-5 It is noted that no potential alternative was eliminated based solely on the beneficial water use criterion. Additionally, see the responses to Comments G1-5 and G1-28.
- 114-6 In a letter from the White Pine County Board of County Commissioners to the BLM dated July 11, 2007 (White Pine County, 2007), the County stated that using the City of Ely's Nevada Northern Railroad (NNR), which is being rebuilt by local government entities, should be part of the Purpose and Need Statement and the alternatives screening criteria. The county reasoned that the White Pine Energy Station would use the NNR, thereby providing revenues to help ensure the success of that venture. NNR railroad facilities were included in the Interim Development Agreement between White Pine County and WPEA for the proposed White Pine Energy Station (see Appendix A). Inclusion of the use of the NNR in the Purpose and Need Statement and as an alternative screening criterion in the DEIS and this FEIS is appropriate because it was a significant factor in locating the proposed White Pine Energy Station in Steptoe Valley.
- 114-7 Conservation was considered as an alternative and is described in Section 2.5.2, *Conservation/Energy Efficiency*, of the DEIS, but it was not carried forward for detailed evaluation because it did not meet the purpose and need. Additional information has been added in Section 2.5.2 of this FEIS to further discuss conservation and energy efficiency as potential alternatives. As reflected in FEIS Section 2.5.2, a current and future need for baseload power exists in the Western United States, even considering reasonably anticipated conservation and energy efficiency programs. Therefore, conservation and energy efficiency are not considered reasonable alternatives to the proposed project. Also, see the responses to F1-10 and G1-28.
- 114-8 The potential effects of cheatgrass are discussed in Section 4.5.2.1.1 under the *Power Plant* heading in this FEIS. This section discloses anticipated impacts associated with cheatgrass. Detailed information that was collected and assessed during the noxious weed risk assessment completed for the proposed project is provided in Appendix C, *Biological Resources Supplemental Information*, of the DEIS and this FEIS (Appendix J). Noxious and invasive weeds will be mapped prior to construction in order to document all populations within the project area prior to disturbance. For purposes of the DEIS and this FEIS, a protocol was agreed to by the BLM to obtain sufficient information to assess the risk of further spread of noxious weeds in the project area. See the Risk Assessment for Noxious/Invasive Weeds document provided in Appendix C of the DEIS and this FEIS (Appendix J).
- 114-9 Additional text was added to Section 3.7, *Visual Resources*, of this FEIS to clarify the differences between the two analyses. The commenter may be confusing two separate analyses (that is, Section 4.7, *Visual Resources*, vs. Section 4.6, *Air Quality/Visibility Impacts*). The Visual Resources evaluation in Section 4.7 focuses on the visual effects of placing new structures on the landscape and discusses the impacts from physical changes associated with the project (for example, buildings, stacks, towers, bridges, etc.) that may affect the visual or scenic characteristics of the landscape from key observation points (KOPs). The *Air Quality/Visibility* evaluation in Section 4.6 addresses the predicted changes in visibility (light absorption or scattering resulting from air emissions) associated with the proposed project and discusses the potential visibility impacts due to the emissions of air pollutants (for example, nitrogen oxides, sulfur dioxide, and particulate matter) from the proposed project at areas of interest, including Zion National Park, Jarbidge Wilderness Area, Ruby Lake National Wilderness Area, and Great Basin National Park. The Visual Resources evaluation is based on terrain information and lines of sight, and therefore is not affected by changes in light absorption or scattering. Thus, the visibility analysis documented in the Air Quality evaluation is separate from and not related to the Visual Resources evaluation.

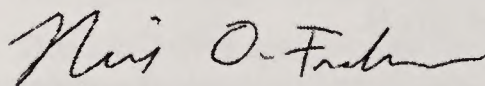
Comment Letter I14

I14-10 | The recreational resources section fails to acknowledge a plethora of recreational activities that occur outside of developed recreational areas. I know this because I personally recreate in these areas. The Schell Creek Range receives a fair amount of backcountry skiing use. This area is becoming well known for this activity. Skiers travel from all over the state to ski in the Schells. Off-trail hiking is wonderful in the Schell Creek Range. The recreation section does not even mention hunting, which is by far the most popular sport in White Pine County. These backcountry recreational opportunities are the gem of Eastern Nevada. Those engaging in these activities enjoy them for the sense of solitude and feeling of remoteness. Having to observe a coal-fired power generating facility would greatly impact these recreational activities and therefore also hurt the economy of White Pine County.

I14-11 | The Wilderness section of Environmental Consequences states that the proposed actions would have little effect on wilderness visitation. It is obvious that the proposed action will create less visitation of wilderness because wilderness visitors will no longer want to recreate in these impacted areas because of the impact to visual resources that the proposed facilities will cause. Furthermore, there are more impacts to wilderness than just visitation. The proposed action will impact the naturalness of wilderness through degradation of air quality, deposition of pollutants, and changes to the water supply.

Thank you for your consideration of my comments. I believe that the creation of the proposed facility will be a great harm to White Pine County and its residents. White Pine County is on the brink of change: tourism is on the increase, and we need to decide if we want to promote growth and economic development through tourism or through degrading activities such as coal fired power. I believe that choosing a future that allows for economic development through tourism is one that will allow us to grow and at the same time protect our valuable natural resources.

Sincerely,



Neil Frakes
135 Ely Ave
PO Box 151523
Ely, NV 89315
nofrakes@yahoo.com

I14-10 Section 3.8, *Recreation Resources*, of the DEIS and this FEIS details the variety of outdoor recreational opportunities, including hunting and hiking, within a 50-mile radius of the proposed project areas. Section 4.8, *Recreation Resources*, describes the potential effects of the proposed project on recreational resources within the same radius. The text in Section 4.8 states that there could be a slight increase in the use of recreational resources resulting from the presence of additional workers in the area during project construction and, to a much lesser extent, during project operation. Based on best available information, while the non-local construction workers would contribute to a short-term increase in the use of developed and dispersed recreation facilities and areas, no adverse effect to those resources are anticipated. This evaluation also applies to areas outside of the developed recreation areas.

I14-11 As indicated in Section 4.11.1.1.1, *Wilderness Areas*, of the DEIS and this FEIS, some project features would be seen from a few selected higher points in all four Wilderness areas surrounding Steptoe Valley. However, the conclusion is that the proposed project would have little or no effect on Wilderness access or visitation rates.

Section 325 of the White Pine County Conservation, Recreation, and Development Act of 2006 does not create protective perimeters or buffer zones around Wilderness, nor does it preclude non-Wilderness activities that can be seen or heard from within a Wilderness from being conducted outside of that Wilderness. While it would be possible to see parts of the structures associated with the proposed White Pine Energy Station from within Wilderness locations, they are not precluded based on a potential impact to the visual seen area of the Wilderness.

White Pine Energy Station Project Draft Environmental Impact Statement

Comment Form

We would appreciate your comments on the Draft Environmental Impact Statement for the White Pine Energy Station Project. Please use this form (attach additional pages if required). You may either return it before you leave this public meeting or mail to the address at the bottom of the form. The comment period ends on June 19, 2007. Thank you for participating.

I think we are losing sight on what attracts most people to white pine county. The scenic vistas, beautiful mountains, wilderness areas, National Park, hunting, fishing.... Basically its an outdoor persons dream area. These power plant or both power plants will definately have a negative impact on whats most important to this area, its precious natural resources. I really don't think BLM wants to be responsible for destroying Snake Valley forever. I own a ranch in Northern White Pine & bought it for all the reasons I mentioned above. I would not have considered buying the Ranch if I knew a power plant or 2 was going to be built. Please don't let this happen!

Date:

Signature:

Name (printed):

Address:

Please submit to:

Bureau of Land Management
Ely Field Office
Jeffrey A. Weeks
HC 33, Box 33500
Ely NV 89301-9408

ELY

No comments on the White Pine Energy Station DEIS were delineated for the letter shown on the facing page.

RECEIVED



Mark Henderson
1001 Canyon Street
Ely, Nevada 89301-2104

19 June 2007

Jeffrey A. Weeks
Ely Field Office
Bureau of Land Management
HC 33, Box 33500
Ely, Nevada 89301-9408
Las Vegas, Nevada 89130

Subject: Draft Environmental Impact Statement for the White Pine Energy Station Project

Dear Mr. Weeks:

Thank you for the opportunity to review the above listed Draft EIS. My comments are primarily confined to the disclosure of impacts on historic properties and archaeological resources that may be affected by the proposed action.

116-1 My major concern is the lack of specificity of treatments to mitigate adverse effects on historic properties that would be affected by the proposed action and alternative one. The document repeatedly refers to impacts on the setting of the Pony Express Trail, Nevada Northern Railroad, Lincoln Highway and various historic ranches (such as Magnuson [sic. Mungerson?] Ranch on the Lincoln Highway). All specific treatments appear to be deferred to after a decision on the approval of the action as described in Section 4.13.3.1.2 (Draft EIS Page 4-179). Deferring treatments to after approval is not consistent with EIS requirements to disclose impacts of undertakings. Specific measures should be proposed such as interpretive signs, brochures, stabilization of deteriorating and neglected properties (such as the Lincoln Highway) and encouraging public stewardship and knowledge of these properties. Otherwise costs both tangible and intangible can not be calculated. [Note that specific mitigation measures have been agreed upon for wildlife values that would be affected.]

It is BLM's responsibility to propose measures to negate or treat adverse effects in consultation with "interested parties" under the regulations of 36 CFR 800. I believe it would be a flaw in the NEPA procedures if BLM were to issue a Record of Decision (ROD) prior to this disclosure of treatments. Since no specific measures are recommended at this time I would like to be identified as an "interested party" to assist BLM in developing appropriate treatments prior to the BLM ROD.

116-2 A second and related issue is the lack of consideration of indirect and cumulative effects if the action is approved and constructed. With hundreds of workers during the construction phase and scores of workers and families during operations, there can be expected region-wide effects as a result of increased recreation and sightseeing use of public lands. As is well known one of the

116-1 The mitigation described in the DEIS and this FEIS avoids the potentially significant direct and indirect impacts to historic properties through avoidance or development of a site-specific treatment plan. The mitigation described in the DEIS and this FEIS is consistent with the Programmatic Agreement (PA) between the BLM and Nevada SHPO for the project in compliance with Section 106 of the National Historic Preservation Act (NHPA), as noted in relevant portions of Section 4.13.3, *Assessment of Direct Visual Impacts*, and Section 4.13.4, *Assessment of Indirect Visual Impacts*, of the DEIS and this FEIS. Section 4.13.3.4.2 of the DEIS and this FEIS describes procedures that have been developed for the potential discovery of cultural resources during construction. These measures are consistent with the PA. Stipulation C of the PA outlines the methods to be used in avoiding or mitigating adverse effects to historic properties. Specifically, the PA indicates that the BLM, in consultation with SHPO, Indian tribes, and interested persons, shall determine the precise nature of effects to historic properties identified in the APE, if the project is approved by the BLM. All treatment shall be done in a manner consistent with the BLM/SHPO Protocol. Additionally, Stipulation I of the PA requires that the terms of any right-of-way granted by the BLM for the project shall provide for the posting of sureties for the protection of cultural properties. This stipulation also states that a bond will be posted with the BLM in an amount sufficient to cover all post-fieldwork costs associated with implementing a treatment plan or other mitigation activities, as negotiated by the project applicant when they contract for services in support of the PA.

116-2 Discussions have been added to each resource area in Chapter 4 of this FEIS on potential effects resulting from project-related short-term (construction) and long-term (operation) population increases where such effects are anticipated. Generally, the analyses indicated that long-term population increases in the area resulting from project operation would not be great enough to adversely affect project area resources. Construction-related population increases would exceed those during project operation and potentially have a minor effect on some project-area resources (for example, see discussions of Recreation Resources, Wilderness) where such effects are anticipated. However, these effects would be temporary and cease with the completion of construction activities and workers leaving the project area.

The DEIS and this FEIS examine the difference between temporary and permanent workforces. Project area recreational resources were determined to be capable of accommodating the recreation demand associated with the construction and operation of the White Pine Energy Station. It is possible that as a group, especially with any significant overlap in the timing of construction periods between cumulative projects like the Ely Energy Center with the White Pine Energy Station, that influx of temporary workforces would increase pressure on existing recreational resources in the Ely area. The numerous Wilderness areas could prove to be attractive to those looking for a recreational opportunity slightly further afield. Additional information on the cumulative projects that were considered in the cumulative analysis of each of the resources analyzed is available in Section 4.19, *Cumulative Impacts*, of this FEIS.

116-3 attractions for new residents in this region are the opportunities for unconfined recreation and use of public lands. This results in increased purposeful and inadvertent damage to archaeological resources and historic properties and new opportunities for educating the public on proper use of public lands. These impacts have often been monitored by periodic checking of site condition in the area of indirect project effects and particularly where historic properties and archaeological resource were identified and direct effect avoided by project design. Additional support for the citizen based site steward program would seem to be a reasonable means for informing the public of proper use of these resources and recruiting citizen volunteers in assuring that unintended and inadvertent damage are minimized. A monitoring plan would be an appropriate component of the "Historic Properties Treatment Plan" that must be developed prior to the ROD.

116-4 Another important issue is the extent to which historic and archaeological data are used to establish the appearance of the historic landscape of the period of significance of the historic properties. It is not just the geomorphology of the viewshed that is important in establishing the effects on the setting of the Pony Express Trail, the Nevada Northern Railroad and the Lincoln Highway. The extent to which the vegetative cover is evocative or altered from the period of significance of these linear historic properties is an important issue and reason for considering impacts on the region. BLM is in possession of considerable evidence that the vegetation landscape may be highly altered from the period of significance of these properties. Disclosure of the nature and trends of these vegetative changes should be discussed and considered in developing the kinds of specific treatments for historic properties that are currently lacking in the Draft EIS.

116-5 One specific error can not go unmentioned because it hopefully does not reflect other similar errors which taken together cause some to become hyper-critical. On page 4-190 (column 2, Section 4.13.4.5.4, paragraph 1, sentence 2) there is reference to the "Ely Historical Society Museum." I know of no such institution in Ely, but surmise that this is reference to the White Pine Public Museum, Inc. I fully understand the difficulties of coordinating necessary outside expertise, local knowledge and internal review. However this sort of error causes me as a member of the local public to be very suspicious of the overall quality and attention to detail of which I know the expert BLM staff in Ely is capable.

116-6 There is likewise a glaring error in the preservation process reflected on page 4-177 where it is stated that "Final determination of eligibility will be made by SHPO upon receipt and review of cultural resources reports." This is not true. It is the Agency responsibility to make the determinations of eligibility and seek SHPO comment. This underlies a dysfunction in the compliance with regulation that goes beyond this document and action, but results in harm to historic properties and archeological resources. This harm is the failure to follow the spirit of the regulations in 36 CFR 800.8 which require coordination of the National Environmental Policy Act and the National Historic Preservation Act. If this part of the regulation were followed more diligently in letter and spirit, true "consultation" would be taking place on the effect of this proposed undertaking on historic properties and many of the major and minor issues mentioned above would probably disappear.

I16-3 A plan for monitoring construction activities for the protection of historic properties will be considered during development of the Construction, Operation, and Maintenance Plan for the project, but is not required for compliance with National Environmental Policy Act (NEPA). Construction monitoring may also be a component of a historic properties treatment plan. Also see the response to Comment I16-1 regarding the PA.

I16-4 Changes to the vegetative cover that have occurred in the past were considered during evaluation of the cultural resources in the project area, including those within the viewshed of the proposed project, in accordance with the regulations implementing Section 106 of the NHPA (36 Code of Federal Regulations Part 800).

To the extent that vegetative cover, and historic or project-related changes to vegetation, are relevant to the impacts on historic properties, these issues would be considered in the development of resource-specific treatment plans as noted in the response to Comment I16-1.

I16-5 The referenced text has been revised in this FEIS as requested, stating that the station has been moved to the town of Ely and now serves as the White Pine Public Station.

I16-6 The referenced text has been revised in this FEIS as requested, stating that the BLM has made determinations of eligibility and requested concurrence from the Nevada SHPO, in accordance with Section 106 of the NHPA and the Programmatic Agreement. SHPO provided a comment letter on August 26, 2007. BLM shall ensure that all cultural resources located within the APE are evaluated for eligibility to the NRHP prior to the initiation of activities that may affect historic properties.

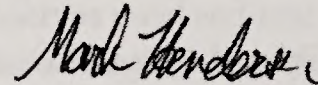
Comment Letter I16

I16-7

Finally, there is no apparent effort to assure compliance with the Archaeological Resources Protection Act (ARPA) in this document. While compliance with NHPA often results in appropriate actions under ARPA, it does not necessarily constitute such compliance. The document should be revised to explicitly address ARPA compliance.

I hope you find these comments useful. If I can be of any service to better protect archeological resources or enhance historic properties in this action please do not hesitate to contact me through information provided in the letterhead (or by cell phone at 702 250-6512).

Sincerely,



Mark Henderson

Cc: Greg Seymour, President, Nevada Archaeological Association
Sali Underwood, Site Steward Coordinator

116-7 The Archaeological Resources Protection Act (ARPA) is a federal law that applies to the excavation or removal of archaeological resources on public or Indian lands, and is not specific to the proposed project. Reference to the applicability of ARPA to this project is provided for in Stipulation E7 of the Programmatic Agreement (PA), which states "...Information on the location and nature of all cultural resources, and all information considered to be proprietary by tribes, will be held confidential to the extent provided by the NRHP, the Native American Graves Protection and Repatriation Act (NAGPRA), ARPA, and other applicable Federal laws."

Section 3.13.3 of this FEIS has been revised to include an additional bulleted item: Archaeological Resources Protection Act of 1979 (16 USC 470aa-mm).

Also, text has been added to Appendix P, *Cultural Resources Background Information*, of this FEIS that describes the Archaeological Resources Protection Act of 1979 (16 USC 470aa-mm).

Comment Letter I17

June 19, 2007

BLM
Ely Field Office
Jeffrey A. Weeks
HC 33, Box 33,500
Ely, NV 89301-9408

Bureau of Land Management
JUN 22 2007

RECEIVED

Ely, NV

RE: Comments on White Pine Energy Station Draft EIS

Dear Mr. Weeks,

Thank you for the opportunity to comment on the Draft Environmental Impact Statement (EIS) for the White Pine Energy Project.

The EIS focuses on the site details and glosses over the big regional long-term environmental impacts, and the socio-economic impacts.

117-1 | The overriding concerns for me are the long-term impacts of the combustion by-products emitted by the proposed plant. Almost 11,000 tons/year of acid forming oxides of sulfur and nitrogen will be emitted by this plant. This will affect the regional visibility and also native plant life wherever acid rain falls. The dry scrubber technology proposed is not state of the art and I am surprised that it would even be proposed.

117-2 | At this point in time, given the emerging consensus about atmospheric carbon dioxide (CO₂) concentrations and global warming, it is unacceptable to not even discuss CO₂ emissions. If this plant is to be constructed, it must be able to sequester CO₂ emissions or at least be capable of retrofit within five years of construction. A 50-year economic commitment to less than state of the art coal burning technology is unacceptable at this point in time.

117-3 | This EIS ignores cumulative impacts in most areas of concern. The decision by the U.S. Fish and Wildlife Service to not list the Greater Sage Grouse as an endangered or threatened species was based in large part of the Conservation Plans developed across the West. The transmission line (part of SWIP) that goes through Butte Valley, Robison Summit, and Jakes Valley will impact some of the best Sage Grouse habitat in Eastern Nevada. Many biologists feel that the Sage Grouse cannot successfully reproduce within a mile of a powerline due to the sight advantage it provides to avian predators.

117-4 | The EIS is deficient in not evaluating the cumulative impacts that will occur if Sierra Pacific Power also builds a coal fired power plant in Steptoe Valley.

117-5 | The section on air pollution doesn't address the issue of temperature inversions which routinely occur in Eastern Nevada valleys in the winter and that trap pollutants and raise pollution levels far above the stated concentrations. When atmospheric conditions create inversions with fog, that fog could be an acid fog which will be very toxic to pine trees and other vegetation. This is not addressed in the EIS. Average levels of pollutants don't

117-1 As part of the Nevada Division of Environmental Protection (NDEP) Prevention of Significant Deterioration (PSD) permitting process a case-by-case Best Available Control Technology (BACT) analysis was conducted by WPEA that lead to the conclusion for recommending dry scrubbers. The NDEP is the agency responsible for determining the BACT for the proposed White Pine Energy Station. When the final air construction permit for the Station is issued, NDEP will respond to comments from the public regarding the selection of BACT for the facility. Section 2.5.4, *Alternative Air Pollution Control Technologies*, and Appendix D, *Evaluation of Alternative Control Strategies*, of this FEIS describe the BACT process, including the range of technologies evaluated and the factors used to select the appropriate technology for the White Pine Energy Station.

See the responses to Comments F1-34, F2-5, and F3-7 regarding acid deposition.

117-2 Additional information regarding climate change has been added to this FEIS. Section 3.6.1.1.12, *Climate Change*, has been revised and moved to a new Section 3.6.2 to include a broad discussion of the currently observed impacts to resources associated with climate change. Section 4.6.2, *Climate Change*, has been added to this FEIS to describe projected future changes in climate, along with discussions of the various factors thought to influence climate. The climate change discussion in Section 4.19.3.6.1, *Air Quality*, has been revised and moved to a new Section 4.19.3.6.2 to discuss the potential incremental cumulative impacts of emission sources on climate change. Finally, Appendix M, *Understanding and Evaluating Climate Change*, has been added to this FEIS.

A memorandum of understanding (MOU) between WPEA and the State of Nevada, signed on November 20, 2007, would require the White Pine Energy Station to be designed and constructed in a manner to be "Carbon Capture Ready" so that the facility can be retrofitted in the future with carbon dioxide capture equipment. As part of this requirement, approximately seven acres of land would be set aside for each coal fired boiler to allow for the installation of this technology. The land set aside is discussed in the revised Section 2.2.3.1.2, *Carbon Capture and Sequestration*, and the MOU is included in Appendix F of this FEIS. For additional discussion of carbon dioxide mitigation, see the response to Comment G1-34.

117-3 The cumulative impacts analysis in this FEIS considers the effects of all past, present, and reasonably foreseeable future actions with the potential to result in cumulative impacts when combined with the potential effects of the proposed White Pine Energy Station (see Section 4.19, *Cumulative Impacts*). Cumulative impacts were analyzed for all of the resources addressed in this FEIS. The size of the cumulative impact analysis area for each resource is defined and varies according to the nature of the resource, the geographic area in which impacts from the proposed White Pine Energy Station would occur, and the potential for overlapping cumulative effects of the White Pine project with other projects also located in the analysis area. Projects located outside the defined analysis area for a given resource would not contribute to cumulative impacts when combined with the effects of the proposed White Pine Energy Station and, therefore, were not included in the cumulative impacts analysis. Projects that were considered in the cumulative analysis of each of the resources analyzed in Section 4.19 are identified and briefly described in that section of this FEIS.

Regarding biological resources, the DEIS (pp. 4-267 and 4-268) and this FEIS state that construction and operation of multiple energy developments in Steptoe Valley would result in cumulative impacts to wildlife and special status species, including greater sage-grouse. These impacts would include, among others, further removal and fragmentation of foraging habitats and of winter, summer, and breeding habitats for a variety of wildlife species.

The discussion of cumulative impacts on biological resources In the DEIS and in Section 4.19.3.5 of this FEIS examines the contribution that the White Pine Energy Station may have on habitat loss, disturbance, and direct mortality of wildlife in conjunction with other projects and other known activities in the project area. In addition to the referenced greater sage-grouse, the DEIS examined

other ground-nesting birds, and wildlife species and the needs for those respective habitats. Section 4.19.4.3 of the DEIS and this FEIS outlines the residual unavoidable adverse effects on wildlife that would potentially occur from all projects.

- I17-4** Section 4.19, *Cumulative Impacts*, of both the DEIS and this FEIS analyzes the potential cumulative impacts if the Ely Energy Center coal-fired power plant in Steptoe Valley is constructed. The Ely Energy Center was one of 11 projects described in Section 4.19.2 of the DEIS and this FEIS that were considered in the cumulative impact analysis.
- I17-5** The air dispersion modeling analyses for the White Pine Energy Station were based on a full year of onsite meteorological data. Thus, the dispersion modeling results take into account any inversion periods that occurred during the onsite monitoring period from January 2005 to January 2006. See the response to Comment G8-35 for additional discussion of inversions.

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Continued from page 114

The information has been reviewed and discussed with the U.S. House of Representatives and the Senate. The information has been reviewed and discussed with the U.S. House of Representatives and the Senate. The information has been reviewed and discussed with the U.S. House of Representatives and the Senate.

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John S. [unclear]
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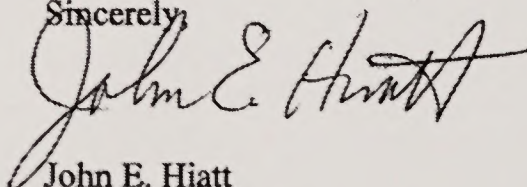
117-5
(cont.) ↑ adequately describe the negative impacts of what happens during less common conditions, but these less common events may be when the most damaging conditions occur.

117-6 On page 4-93 the document states that the U.S. Forest Service was contacted to identify designated Roadless Areas and that there are none in Nevada. Of course not, this is not a land use category on the Humboldt-Toiyabe National Forest. There are designated Wilderness Areas (which are roadless areas) in the region. The recently designated High Schells Wilderness is only a few miles southeast of the proposed project and the Ruby Mountains Wilderness lies to the north northwest.

The socio-economic impacts of this project are dismissed as minor and only associated with the population increase. The biggest impact will come when the construction phase is finished, and the construction workers and their families leave the area. The community's infrastructure buildup will leave a high level of unemployment, empty class rooms, and a depressed housing market following the boom associated with the arrival of construction workers. For every construction job another support job will be created so that the end of the construction phase will be devastating to the economy of Ely and White Pine County.

117-7 In conclusion, the environmental and socio-economic impacts of this project are not adequately addressed in this EIS. Based on the strongly negative long-term impacts of this proposed power plant the BLM should not issue a right of way for the power plant or its' associated transmission lines.

Sincerely,



John E. Hiatt
8180 Placid Street
Las Vegas, NV 89123

- I17-6** The referenced text has been revised and discussion added to Section 3.11, *Wilderness and Areas of Critical Environmental Concern*, of the DEIS, which has been renamed Special Designations in Sections 3.11 and 4.11 in this FEIS, noting the presence of Roadless Areas in Nevada that are associated with Wilderness areas in the vicinity of the proposed project.
- I17-7** This is a summary comment about environmental and socioeconomic impacts. Specific comments on these topics are found earlier in the letter and each has a specific response (see the responses to Comments I17-1 through I17-6).

Comment Letter I18

Printed for Doris Metcalf 206/11/2007



"Brendan Hughes"
<jesusthedude@hotmail.com
>

06/11/2007 12:17 PM

To: doris_metcalf@nv.blm.gov

cc

bcc

Subject: Comments on White Pine Energy Station Project DEIS

Re: 2850 (NV040) N-78091

My name is Brendan Hughes and I would like to comment on the Draft Environmental Impact Statement for the White Pine Energy Station Project. I encourage the BLM to take the No Action Alternative for this project for several reasons.

First, the creation of more coal-fired power plants is contrary to current information on human-induced climate change. There is no reason for the United States, the most advanced nation on the planet, to be constructing new power plants that have significant outputs of greenhouse gases. It is widely recognized that the burning of coal at current levels cannot continue without dire consequences for the planet. The BLM and other government agencies should be encouraging energy efficiency and bringing renewable energy sources to the consumer. There is no reason why every home in Las Vegas, and in the rest of Nevada, should not have solar panels on them. All greenhouse gas producing energy facilities should be discouraged. The same amount of energy could be saved as would be generated at this new facility if the people and the government made the effort to do so. Then 2,000 acres of land would not need to be destroyed to build the energy station, along with more acreage destroyed by the mining of the coal to power the station.

Second, this new development will have an unknown impact on groundwater resources in the region. The pumping of 5,000 acre-feet of water per year can potentially damage springs in the area. These springs are vital water sources for wildlife and for the ecological health of the watershed. The No Action Alternative is the only option that can ensure that these springs are not adversely impacted.

Additionally, this new power plant will have an adverse impact on the air quality of eastern Nevada and western Utah. Emissions of nitrogen oxides, carbon monoxide, sulfur dioxide, lead, and fine particulate matter will be increased across the region, and this could be compounded by more power plants planned for the area. This pollution will decrease the air quality and, by extension, the quality of life in an area with some of the cleanest air in the country. Additionally, visibility will be decreased in several wilderness areas and National Parks. Also, acid deposition will be increased, impacting sensitive ecosystems. These exceedances are unacceptable, and by approving this project BLM will be facilitating violations. The No Action Alternative avoids this degradation of the environment and the quality of life in eastern Nevada.

Moreover, the White Pine Energy Station will have a negative visual impact on the rural Steptoe Valley. Anyone can agree that the artist's rendition of the Steptoe Valley after project completion is not pretty. It takes away from the natural, rural character of the valley. Also, it will negatively impact the recreational experience of visitors to surrounding wilderness areas and

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

Comments on the White Pine Energy Station DEIS

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Comment Letter I18

Printed for Doris Metcalf 206/11/2007

other public lands. I, and people in general, do not want to see a huge power plant when I am enjoying the outdoors. The No Action Alternative will prevent this project from ruining the landscape.

Finally, this project will create a hazardous waste dump in the Steptoe Valley. With hundreds of Superfund sites already polluting the nation, the BLM does not need to allow the creation of another one. Hazardous wastes are a danger to the environment, as well as human and especially worker health. The No Action Alternative prevents the creation of a hazardous waste dump.

Other avenues for energy conservation and generation must be explored and encouraged by the government and its agencies. This new coal-fired power plant is unacceptable in an age of climate change. The No Action Alternative will prevent all of the aforementioned problems from occurring.

I thank you for your consideration.

Brendan Hughes
316 Mesquite Ave
Ridgecrest, CA 93555
jesusthedude@hotmail.com

Picture this – share your photos and you could win big!

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

1160 Avenue L
Ely, Nevada 89301
June 18, 2007

Jeffrey A. Weeks
Bureau of Land Management
Ely Field Office
HC 33, Box 33500
Ely, Nevada 89301-9408



Dear Mr. Weeks:

Please accept this letter in support of the White Pine Energy Station.

My children are the fourth generation of my family to live and grow up in White Pine County and we have remained here because we absolutely love the area. I attended school at UNLV during the early 80's just after Kennecott had closed. I must admit it became quite depressing to come home intermittently to see more and more boarded up businesses on Aultman Street. I witnessed the disheartening results of the economic depression left in the wake of the Kennecott closure.

I started my own family in Las Vegas and sought a more wholesome environment to raise my children. I was fortunate enough to find a great job in Ely and moved back to enjoy the advantages I had taken for granted in my youth. Within about six months after moving back, the mining operation in Ruth announced it was down-sizing and a few months later closed. Although the economic impacts were not as severe as the previous mine closure, they were significant. Over a period of five years, employment dropped by 23%, the County population dropped by 12%, the number of students dropped by 23%, assessed valuation dropped by 40% and taxable sales dropped by 40%. Approximately one out of every four families were displaced and had to leave their homes. As Chief Financial Officer of the school district, I was immersed in the devastating caused by the dramatic loss of revenue and destruction it had on public services including our education system. Budget cuts were severe, teachers lost their jobs, student educational services reduced and employee morale plummeted.

The need for economic stability and diversification has been, and still is, critical to the fiscal health of the local governments, business and industry and citizens. The existing mining operation will close. It is a matter of time. It is imperative that we do everything in our power to prevent future generations from having to suffer through the imminent, devastating and abrupt impacts of another mining industry collapse.

Provided the White Pine Energy Station meets federal and state guidelines for air quality and other environmental issues, this project could be a catalyst for economic development and provide the power transmission infrastructure to advance renewable energy. These projects are ideal for development because the impact on assessed

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

The first paragraph of the letter discusses the importance of the White Pine Energy Station DEIS and the need for a thorough review of the project. It mentions the potential impacts on the environment and the local community, and the need for a comprehensive assessment of these impacts.

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The sixth paragraph discusses the need for a thorough review of the project, and the need for a comprehensive assessment of the potential impacts on the environment and the local community. It mentions the need for a thorough review of the project, and the need for a comprehensive assessment of the potential impacts on the environment and the local community.

valuation significantly outpaces the relatively nominal demand on public services. Greater assessed valuation without demand means local governments can improve the quality and appearance of the communities or provide amenities that are currently not available. Options such as bond issues for an indoor public swimming pool, park and recreation improvements and/or new and improved schools can be entertained by voters. Without development, these items can not be addressed regardless of the apparent need.

Power transmission and renewable energy development are essential to the stability and availability of energy in Nevada and the southwestern United States. Development of diverse and stable energy sources would directly benefit energy supplies and consumers.

The White Pine Energy Station proposed by LS Power would occupy approximately 1,280 acres. White Pine is one of the largest counties in the United States, covering 8,941 square miles, or 5,722,240 acres, and is larger than the State of Massachusetts. The proposed site would occupy approximately 0.022% of the County. According to the Nevada State Demographer, there are approximately 9,542 people living in White Pine County. This means there is approximately 600 acres per person. The physical impact of the plant appears to be relatively insignificant compared with these statistics. Approximately 93.5% (5,350,294 acres) of White Pine County is owned or controlled by the federal government¹. This should ensure that the predominant portion of White Pine remains essentially unchanged.

It appears that the many positive impacts of the project to White Pine County and Nevada appear to significantly outweigh the physical and environmental disturbance. The local economy will be strengthened and diversified which will directly, positively impact the communities and citizens in White Pine County. Nevada and other western states will receive a much needed supply of energy. Transmission lines will increase the feasibility of renewable energy sources. Rail freight services can be re-instated and groundwater can be put to beneficial use for development that directly and positively impacts White Pine County.

I am hopeful that the BLM will approve the proposed site, approve the right of way and permit the project to proceed as planned.

Sincerely,

Paul Johnson

¹ Analysis of Socio-economic Data and Trends for White Pine County – January 2004; Thomas R. Harris, Director University Center for Economic Development University of Nevada Reno.

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

Comment Letter I20



Curt Leet
<cwleet@yahoo.com>
06/19/2007 06:12 AM

To jeff.weeks@nv.blm.gov

cc

bcc

Subject White Pine Energy Station Draft EIS

I am writing to question the contents of the recently released draft EIS for the White Pine Energy Station. First of all the public meeting was a total farce. The questions that were written on the cards and submitted by the public were generally not adequately addressed by the panel and the moderator did not make sure the questions were thoroughly/adequately answered. Further the public was not allowed the opportunity to speak regarding the answers.

- I20-1 | The air quality section does not address the brown cloud that the plant will produce. The brown cloud effect on the quality of life was not addressed and is not tolerable. One reason I and many others live and recreate in this area is to enjoy the clear skies and clean air - we value the excellent air quality that currently exists. Tourism and outdoor recreation are important to our local economy. Dirty air would reduce the recreational, economic and aesthetic values of this area - all which could effect the county monetarily.
- I20-2 | EIS are supposed to address cumulative impacts and global warming was not even addressed in the document. The production of CO2 is a well documented waste product of coal fire power plants and a major contributor to global warming. Global warming is a well documented disaster and is completely overlooked in this document and needs to be addressed.
- I20-3 | The power company needs to be held responsible for any draw down of the water tables feeding both domestic and agricultural wells. If any wells need to be deepened due to the potential draw down, the power company needs to be held responsible for deepening any affected wells for the life of the power plant.
- I20-4 | The waste pile need not be left in place. It should be hauled back to the coal mine in the empty cars that are going back for more coal.
- I20-5 | The Draft EIS mentions temporary housing for only 200 employees. The expected construction workforce will be about 1,200 employees. The proposed temporary housing is inadequate and needs to accommodate at least 1,000 workers. The boom and bust caused by power plant construction has very significant impacts on local communities, This needs to be minimized by the appropriate temporary housing.

Considering all of these serious environmental concerns, I believe that the long term damage done if this power plant is built will far out way the potential benefits of a few local jobs.

Please thoroughly address these concerns in the final EIS.

Thank you for your attention to my concerns.
Curt Leet

- I20-1** It is not clear what the commenter means by the brown cloud. Emissions from modern power plant stacks are usually imperceptible to the naked eye, unless, as in the winter, when the water vapor condenses when leaving the stacks and it appears as a white cloud (steam).
- Predicted visibility impacts of the proposed project are disclosed and discussed in FEIS Sections 4.6.1.3.8 *Class I Area Dispersion Modeling Results*, 4.19.3.6.1, *Air Quality*, and Appendix L, *Cumulative Analysis for Air Quality*.
- I20-2** Additional information regarding climate change has been added to this FEIS. Section 3.6.1.1.12, *Climate Change*, has been revised and moved to new Section 3.6.2 to include a broad discussion of the currently observed impacts to resources associated with climate change. Section 4.6.2, *Climate Change*, has been added to this FEIS to describe projected future changes in climate, along with discussions of the various factors thought to influence climate. Section 4.19.3.6.1, *Air Quality*, has been revised to discuss the potential incremental cumulative impacts of emission sources on climate change. Finally, Appendix M, *Understanding and Evaluating Climate Change* has been added to this FEIS.
- I20-3** The DEIS and this FEIS assess potential ground water level declines in existing permitted wells in Section 4.4.1.4 for the Proposed Action and Section 4.4.3.4 for Alternative 1. Based on the results of an analysis of potential water level decline (drawdown) for the Proposed Action (see Section 4.4.1.4), five pumping permits are located in areas where ground water levels would be lowered within Steptoe Valley by between approximately 4 and 8 feet as a result of Station pumping. The only permits that would be affected by more than 8 feet are those associated with the production wells for the Proposed Action. These results represent the extreme case of 40 years of continuous pumping from all eight production wells at the constant rate of 387 gallons per minute per well. This rate corresponds to the maximum annual water demand of 5,000 acre-feet by the Proposed Action power plant and assumes the instantaneous and continuous requirement of this amount of water over a 40-year period. Under Alternative 1 (see Section 4.4.3.4), pumping ground water from the basin-fill aquifers in Steptoe Valley to meet the Station demand for water would result in ground water level declines of between 2 and 4 feet in the vicinity of two locations where other users have permits to pump ground water. Ground water level declines of 4 feet are not considered to represent a substantial adverse impact. These levels of drawdown for the Proposed Action and Alternative 1 are not expected to require the deepening of any existing wells.
- In addition, Appendix G, *Ground Water Monitoring Program*, in this FEIS outlines the components of the proposed ground water monitoring and mitigation program (subject to approval by the Nevada State Engineer) that would be implemented under either the Proposed Action or Alternative 1. This program has been included as a component of the proposed project in Chapter 2 of this FEIS and has been augmented from that presented in the DEIS to include more information on the location of monitoring wells, spring monitoring locations, monitoring frequency, and contingency actions in the event that the discharge from known springs may experience a potentially adverse reduction as a direct response to continued pumping and it is determined that the production well is the actual cause of that potential impact or contamination associated with WPEA activities is anticipated above applicable water quality standards. The ground water monitoring program includes potential corrective or mitigative actions that WPEA is committed to follow in the event impacts to ground water resources and existing water users are anticipated as a result of WPEA activities.
- I20-4** The waste stream to be disposed onsite is a non-hazardous solid waste. Onsite solid waste disposal facilities for coal combustion byproducts and other material will be regulated under a Class III industrial solid waste permit as required by the NDEP. The solid waste disposal facility at the White Pine Energy Station will be equipped with a synthetic liner and will utilize a ground water monitoring program to minimize the potential for any environmental impacts associated with storage of the waste.
- I20-5** Temporary onsite housing and in-town housing would be provided for all of the employees, and thus for many more than the 200 employees referred to in this comment. In-town housing would be built for up to 300 workers with families, and as described further in Chapter 2 of the DEIS and this FEIS (see Section 2.2.4.2.1, *Construction Worker Housing*, additional housing would be provided onsite for a total of 1,000 workers that do not bring their families with them.

Comment Letter I20

cwleet@yahoo.com

HC 32 Box 32120

Ely, NV 89301

Don't pick lemons.

See all the [new 2007 cars](#) at [Yahoo! Autos](#).

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

White Pine Energy Station Draft Environmental Impact Statement

Comment Form

We would appreciate your comments on the Draft Environmental Impact Statement for the White Pine Energy Station Project. Please use this form (attach additional pages if required). You may either return it before you leave this public meeting or mail to the address at the bottom of the form. The comment period ends on June 19, 2007. Thank you for participating.

- I21-1 1. Renewable energy sources should be considered as alternatives, particularly with the 2090 mandate for renewable energy by 2015. An environmentally preferred alternative needs to be considered along with the proposed action.
- I21-2 2. Environmental effects on air quality have not been adequately considered, particularly as there are due to be 3 coal powered plants proposed, so cumulative impacts need to be considered. Increased train traffic bringing the coal in
- I21-3 to the plants will also have adverse effects, directly and indirectly, and need to be considered. An increase in the
- I21-4 amount of greenhouse gases and SO_x and NO_x (contribute to acid rain) need to be considered as an adverse event.

Date:

31 May 2007

Signature:

Sheila D. Lehman

Name (printed):

Sheila D. Lehman

Address:

10661 April Rose Court
Las Vegas, NV 89135

Please submit
to:

Bureau of Land Management
Ely Field Office
Jeffrey A. Weeks
HC 33, Box 33500
Ely NV 89301-9408

- I21-1 The 20 percent renewable portfolio standard is applicable to utilities regulated by the Public Utilities Commission of Nevada. WPEA is an independent power producer (not a regulated public utility); therefore, the 20 percent renewable mandate is not applicable. Renewable clean energy alternatives such as solar, wind, geothermal, and hydroelectric, were considered in the analysis of alternatives to the use of pulverized coal for the proposed project (see FEIS Section 2.5). In brief, the potential renewable energy sources are not capable of meeting the purpose and need for the proposed project and are therefore not considered reasonable alternatives. See the response to Comment G1-28 for additional discussion.
- I21-2 Additional details have been added to this FEIS to provide further information regarding cumulative air impacts. See FEIS Section 4.19.3.6.1 and Appendix L, *Cumulative Analysis for Air Quality*. These sections consider air emissions from multiple sources in the region, including the six existing and proposed power plants (including White Pine energy Station, EEC, Toquop, Newmont, IPP3, and Nevco- Sevier).
- I21-3 Predicted locomotive emissions from Wyoming's Powder River Basin to Shafter, Nevada, have been included in Table 4.6-5 of this FEIS. The emissions have been updated to reflect the latest information and are discussed in Section 4.6.1.3.3, *Magnitude of Emissions During Operation*, of this FEIS.
- I21-4 See the response to Comment G1-8 regarding greenhouse gases. For sulfur and nitrogen deposition, see the responses to Comments F1-34, F2-5, and F3-7.

White Pine Energy Station Draft Environmental Impact Statement

Comment Form

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- I21-5 | 3. The effects of the solid waste facility storing the fly ash
I21-6 | were not considered, particularly because Duck Creek is
I21-7 | only approx. 0.5 miles from the proposed action. Potential
I21-8 | impacts due to flooding need to be considered, especially
because this could contaminate surface and groundwater.
Cumulative effects of this also need to be looked at.
The potential effects of an accident on the rail line
going over Duck Creek also needs to be considered.

Date:

31 May 2007

Signature:

Shutab D. Lehman

Name (printed):

Shutab D. Lehman

Address:

10661 April Rose Court
Las Vegas, NV 89135

Please submit
to:

Bureau of Land Management
Ely Field Office
Jeffrey A. Weeks
HC 33, Box 33500
Ely NV 89301-9408

LV FIELD OFFICE

- I21-5 The potential effects of project-related solid wastes on the environment were evaluated and results summarized in Section 4.12, *Wastes, Hazardous and Solid*, in the DEIS and this FEIS. Section 2.2.3.1.3, *Solid Waste Disposal*, of the DEIS and this FEIS describes the design, construction, and management of the onsite solid waste disposal facility to comply with all applicable federal and state regulations to prevent the release of contaminants and protect the environment. Sixteen Best Management Practices (Appendix C), contained in the Hazardous Material Storage, Handling, and Disposal and Safety Measures Section provide detail on these environmental protection measures. Table 3.12-1 in the DEIS and this FEIS identifies applicable federal regulations and/or the administering agencies for the management of hazardous materials. Locally, White Pine County's 2006 Solid Waste Landfill Management Plan has been approved by the Nevada Division of Environmental Protection and considers the proposed White Pine Energy Station. Also see the response to Comment G2-60.
- I21-6 Water on the White Pine Energy Station power plant site would be managed under two different NDEP permits to comply with all regulations and requirements promulgated under the Clean Water Act. Surface water, storm water runoff, and wastewater from the power plant site that has been collected after coming in contact with potential pollution sources (for example, coal piles and active solid waste disposal facility cells) would be routed and stored in the plant's onsite zero-discharge evaporation pond in accordance with applicable federal and state regulations (see Section 2.2.3.1.3, *Solid Waste Disposal*, of the DEIS and Section 2.2.3.1.4 of this FEIS). Additionally, see the response to Comment G2-27.
- I21-7 No contamination and no direct or indirect impacts to surface or ground water quality are anticipated under the Proposed Action or Alternative 1. No cumulative surface water or ground water quality impacts are anticipated to occur. See the responses to Comments I20-4, I21-5, and I21-6.
- I21-8 Section 4.12.3.2, *NNR*, of the DEIS and this FEIS describes the potential for an accidental spill along the NNR corridor (estimated to be low) and the potential for resultant impacts to wildlife (estimated to be unlikely). The analysis notes, however, that if an accidental spill were to occur in wetland/riparian areas along the corridor (for example, along Duck Creek), site remediation would be critical in keeping adverse impacts short-term in duration and re-establishing riparian and wetland areas.

Bureau of Land Management
MAY 24 2007

White Pine Energy Station Project Draft Environmental Impact Statement

RECEIVED

Comment Form

We would appreciate your comments on the Draft Environmental Impact Statement for the White Pine Energy Station Project. Please use this form (attach additional pages if required). You may either return it before you leave this public meeting or mail to the address at the bottom of the form. The comment period ends on June 19, 2007. Thank you for participating.

It is inconceivable to me that while the rest of the world is concerned about global warming and utilizing alternative forms of energy sources such as wind and solar power, you are actually considering a coal fired power plant, one of the major causes of global warming. To say you will be within federal emission standards is meaningless. Under the Bush administration these standards have been lowered and air pollution has gotten worse, not better. So - has writing this been a waste of time? Are you listening to what this and other letters of protest are telling you or

Date: May 23rd, 2007
Signature: Elizabeth Lucas
Name (printed): Elizabeth Lucas
Address: 734 Ely Street
Ely, Nevada 89301

Please submit to: Bureau of Land Management
Ely Field Office
Jeffrey A. Weeks
HC 33, Box 33500
Ely NV 89301-9408

ELY

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

do they just get piled in the nearest trash can?
Please, this far more important than a
few jobs or a few bucks in someone's
pocket, we should be closing coal burning
plants, not building new ones, There is no
such thing as "clean" coal!

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

RECEIVED
JUN 11 1993
ENV. M.

Division of Environmental Protection
1000 North 3rd Street
Rm. 200
Bozeman, MT 59717-1000
(406) 556-2400

Dear Mr. [Name]:

Thank you for the letter dated [Date] in which you requested information regarding the [Project Name] and the [Agency Name]. The information requested is being provided to you as follows:

- 1. [Project Name] is located in the [County Name] area of the State of Montana.
- 2. The project is owned and operated by [Company Name].
- 3. The project is a [Project Type] and is located on [Project Location].
- 4. The project is currently in the [Project Status] stage.
- 5. The project is subject to the [Regulatory Framework].
- 6. The project is currently in the [Project Status] stage.
- 7. The project is currently in the [Project Status] stage.
- 8. The project is currently in the [Project Status] stage.
- 9. The project is currently in the [Project Status] stage.
- 10. The project is currently in the [Project Status] stage.

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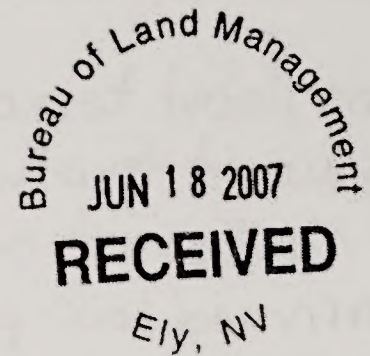
I am sorry that I cannot provide you with the information you requested. I am sorry that I cannot provide you with the information you requested. I am sorry that I cannot provide you with the information you requested. I am sorry that I cannot provide you with the information you requested. I am sorry that I cannot provide you with the information you requested. I am sorry that I cannot provide you with the information you requested. I am sorry that I cannot provide you with the information you requested. I am sorry that I cannot provide you with the information you requested. I am sorry that I cannot provide you with the information you requested. I am sorry that I cannot provide you with the information you requested.

Sincerely,
[Signature]
[Name]
[Title]

Comment Letter I23

June 18, 2007

Bureau of Land Management
Ely Field Office
Jeffrey A. Weeks
HC 33 Box 33500
Ely, NV 89301-9408



Dear Mr. Weeks:

Please accept this letter as my endorsement in support of the proposed action regarding the White Pine Energy Station. I believe the following items support the Proposed Site over Alternative 1:

- Less visual impact to the Duck Creek Basin.
- The use of northern well for water supply will keep the water closed to McGill available for future economic growth near Ely/McGill should it be needed.
- Less construction of linear facilities outside the Utility Corridors since the Proposed Action site is closer to US 93, the NNRy and the SWIP Corridor.
- Coal trains will have shorter commutes into Steptoe Valley, lessening air emissions and impacts to private property owners further south in Steptoe Valley.
- Proposed Action will require 110 acres less permanent ROW and permanently disturb 59 fewer acres.
- The Proposed Action does not overlap with private property.

It is my hope that the BLM, through there EIS process, find that supporting the Proposed Action is needed over No Action for the following reasons:

- No Action will not supply for growing energy needs.
- No Action will provide **NO** economic benefits to Ely and White Pine County.
- No Action could preclude putting White Pine County's water to beneficial use.
- No Action could preclude investments in electric transmissions infrastructure. Investment in electric lines will likely spur renewable energy projects in rural Nevada.

Please accept these comments in support of the White Pine Energy Station. The completion of this project is crucial in ensuring the vitality and stabilization of the economies of White Pine County and the City of Ely. Potential impacts from the project can be mitigated, but the loss of this project and its positive financial impacts cannot be recovered. I've been a life long resident of White Pine County and have its future at heart. I would never endorse a project that I believe would have a detrimental impact to our way of life or futures.

Best Regards,

Stephen Marich
Ely City Councilman

No comments on the White Pine Energy Station DEIS were delineated for the letter shown on the facing page.

Comment Letter I24



CAROLINE MCINTOSH
<wpcaroline@sbcglobal.net>
06/18/2007 10:22 PM

To jeff_weeks@nv.blm.gov
cc
bcc
Subject White Pine Energy Station Comments

Dear Mr. Weeks,

Please accept the following comments in the official White Pine Energy Station EIS comments.

As a resident of White Pine County, I would like to offer my support to the White Pine Energy Station Project. LS Power has worked closely with the citizens of White Pine County to mitigate any potential concerns regarding the project. LS Power is sensitive to the lifestyle values held by our residents, and has gone to great lengths to explain the dry scrubber process, including potential trade-offs with the process.

The war on terrorism has proven that the United States of America must become less dependent upon foreign energy sources. The White Pine Energy Station is a positive step in providing for the energy needs of the citizens of Nevada. We must do all we can as a nation and state to become independent in our energy sources.

Finally, the White Pine Energy Project will bring a much-needed tax base to White Pine County. Our local school system and county government have been forced to short-change the students and citizens of much needed funding to run proper schools and county services. The White Pine Energy Project will bring long-term stability and resources. I welcome the White Pine Energy Project to White Pine County.

Many thanks to the Ely District BLM Office for your professionalism during this rigorous process.

Sincerely,

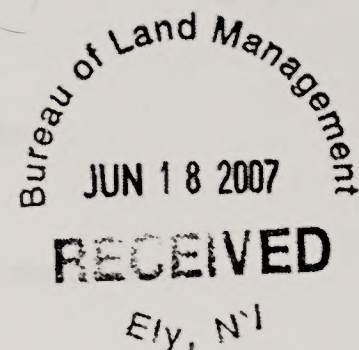
Caroline McIntosh
2695 Mineral Drive
Ely, NV 89301

No comments on the White Pine Energy Station DEIS were delineated for the letter shown on the facing page.

Page 1 of 1

Jeff Weeks
BLM
Ely Field Office
HC33, Box 33500
Ely, NV. 89301-9408

Attn: White Pine Energy Center EIS



Thank you for the opportunity to comment on this proposal. As a resident of Ely, a frequent visitor to our areas public and federal lands, and a concerned citizen I would like to express the following concerns and suggest issues to be analyzed in the EIS that appear to be lacking in the DEIS

1. The Proposed location is very close to the communities of Ely and McGill. It would certainly be visible from both communities and potentially have adverse impacts to air quality, water quality, and public health. Prevailing winds are out of the Southwest which would blow particulates and any emissions away from the population centers; **however it is common to receive winds from all directions. During the winter we often have winds out of the North which would blow emissions toward the two towns, and there are also periods of cold high pressure and temperature inversions which could trap pollutants near the ground causing public health issues, poor air quality, and visual impacts.**
- 125-1 | 2. There are currently some perspectives touting the positive economic benefit to White Pine County. This will be short term and not significant. Who wants to live in the shadow of a coal fire power plant? It is imperative that the long term negative economic and social impacts be analyzed. There are obvious adverse impacts such as decrease in Quality of life, potential health issues, destruction pastoral qualities, and tourism economy that are not adequately analyzed. Ely is a rare place where the air is clean and there are abundant outdoor recreation activities. This is the real economic future of this area, and this potential could be significantly reduced if these power plants are constructed.
- 125-2 | 3. How will the coal fly ash be stored? Is there a risk of this blowing into aquatic systems, surrounding public and federal lands, or affecting adjacent communities?
- 125-3 | 4. It appears that the impacts to air quality are not adequately addresses. Current EPA standards are for to lenient and allow for unhealthy air that may cause harm to those sensitive to pollutants. This is an environmental impact statement and needs to go beyond legal standards and address any changes to air quality including providing mitigation and monitoring.
5. Both the preferred and the alternative site are surrounded by Forest Service and BLM federally designated Wilderness areas. The Schell Creek Wilderness Area is less than eight miles downwind from the alternative site. Land Management

Section 4.17, *Socioeconomics*, of the DEIS and this FEIS assesses both the positive and negative socioeconomic impacts that would be associated with the proposed White Pine Energy Station. Potential adverse effects on tourism in White Pine County were considered during the project construction phase and in designing the project to avoid or minimize the potential for such impacts. For example, a substantial amount of worker housing was included in the project description in Chapter 2 of the DEIS and this FEIS to, in part, help avoid and minimize adverse effects on tourism that could occur if a large number of local motel rooms were used by project construction workers and would thus not be available for tourists.

A number of potentially adverse socioeconomic effects were assessed in Section 4.17 of the DEIS and this FEIS, and many of these involve issues that affect the quality of life of local residents in Ely and McGill. For example, a potential increase in crime during project construction was assessed as were related effects on the sheriff's department, and Best Management Practices (BMPs) were developed to help minimize the risk of crime and to expand existing jail capacity. Other quality of life issues addressed in the socioeconomics analysis include potential increases in local traffic volumes during construction and the need for traffic control measures, potential reductions in the quality of emergency services provided to local residents, and potential effects on schools and social services. The project's BMPs related to these issues were designed to help minimize adverse impacts to the quality of life of local residents. In addition, the major new tax revenues associated with the project should allow White Pine County to improve both the quality and quantity of a number of different types of public services, thus improving the quality of life of residents that use these services. Potential project effects that could affect the quality of life of local residents also were assessed in the air quality, visual resources, recreation, and transportation sections of the DEIS and this FEIS.

Potential effects directly or indirectly related to public health resulting from the Proposed Action and Alternative 1 are addressed in various sections of the DEIS and this FEIS, including Section 4.3, *Surface Water Resources*, Section 4.4, *Ground Water Resources*, Section 4.6, *Air Quality and Noise*, Section 4.12, *Wastes, Hazardous and Solid*, and Section 4.14, *Environmental Justice*. Federal, state, and local laws and regulations governing air quality, water quality, and the storage of hazardous and solid wastes are designed to protect human and biological health. Air quality emissions from the proposed power plant must comply with State of Nevada laws, regulations, and permit requirements, which are below thresholds that would result in adverse impacts to humans, domestic animals, and wildlife. Similarly, storage requirements for ponded water and hazardous and solid wastes are designed to prevent the release of foreign materials and thus maintain conditions below thresholds that would result in adverse impacts to human and biological health. For these reasons, no adverse health effects in humans or animals or other public health threats are expected to result from the construction and operation of the White Pine Energy Station.

Coal fly ash would be stored in the onsite solid waste disposal facility, which is described in detail in Section 2.2.3.1.3, *Solid Waste Disposal*, of the DEIS and Section 2.2.3.1.4 of this FEIS. As required by the air permit for the White Pine Energy Station, inactive areas of the solid waste disposal facility would be controlled by surface sealants (crusting agents), and active areas of the solid waste disposal facility would be controlled by water sprays. As individual sections (or "cells") of the solid waste disposal facility reach maximum capacity, they would be covered with soil and reclaimed to natural vegetation. Therefore, air emissions associated with the solid waste disposal facility would be minimized. Additionally, the air dispersion modeling results presented in Section 4.6.1.3.5, *Class II Air Dispersion Modeling Results*, take into account the estimated maximum dust emissions from the solid waste disposal facility. These results show that the White Pine Energy Station is not expected to cause or contribute to any violation of an ambient particulate standard; therefore, adverse effects associated with fly ash are not anticipated.

- I25-3** The air quality analyses in Section 4.6.1 of the DEIS and Sections 4.6.1 and 4.19 of this FEIS demonstrate that predicted impacts (including cumulative impacts) are below U.S. Environmental Protection Agency's (EPA's) National Ambient Air Quality Standards, which are set to protect human health and welfare, including the health of sensitive populations. The commenter has presented no evidence to support the claim that current EPA standards are too lenient and allow for unhealthy air that may cause harm to those sensitive to pollutants. Because the White Pine Energy Station would meet NDEP-BAPC and EPA standards for air quality, the BLM does not propose additional mitigation. If the commenter believes the existing air quality standards are not sufficiently stringent, the commenter may wish to submit comments to NDEP-BAPC and/or EPA during the public comment periods for future regulatory actions.

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Continued from 122

Page 1 of 1

Agencies are charged with managing these federally designated areas to preserve Wilderness qualities for all people and future generations. The DEIS suggests that there are no impacts to Wilderness areas, this is ludicrous. It appears the contractor writing the document has no understanding of Wilderness or roadless characteristics or the importance of preserving these qualities. Impacts to the following Wilderness characteristics need to be addressed and analyzed.

- I25-4
- a. Natural Integrity – Emissions and fly ash transported by wind, and dust during construction and operation would likely blow toward one or all of the surrounding Wilderness areas degrading the Natural Integrity.
 - b. Apparent Naturalness – The large power plant complex and smoke would be visible for many of the Wilderness areas and take away from this quality. In addition adverse affects to vegetation, wildlife, air quality and water quality would degrade the apparent naturalness.
 - c. Remoteness, Solitude and Opportunities for Primitive Recreation – These are important benefits that Wilderness offers to locals and visitors to the area, which would certainly be adversely impacted with coal fire power plants and associated disturbances and emissions visible from any Wilderness areas.
 - d. Soil, Air and Water Quality – it is important to thoroughly analyze and study these potential impacts before moving forward with this project. Is it possible that emissions could change air, water or soil quality, or PH of soil or water? Vegetation, amphibians, and macroinvertebrates are very sensitive to PH change. Emissions containing nitrogen, mercury, sulfur, or carbon can be very harmful to many species and can alter air, soil or water quality. This analysis needs to go beyond EPA health standards and address environmental impacts hence the term “Environmental Impact Statement.”
 - e. If any Wilderness areas are affected at all there should be mitigation steps such as air quality monitoring, reducing emissions etc.
- I25-5
6. It is 2007 and the technology to utilize less destructive energy alternatives exists. It is important to ask the questions, should destructive and hazardous coal energy even be an option? The purpose and need of this project is too specific and is geared toward profit for the power companies rather than allowing for sustainable energy projects such as wind or solar. The coal is proposed to be transported from Wyoming, where the landscape is being torn apart to mine the coal. The energy required to transport this coal to Nevada, and construct the infrastructure to do so seems wasteful. The energy produced from these power plants will be utilized in population centers hundreds of miles away. Why not build the power plants there, or better yet, why not use solar power that will be far less destructive and more economically feasible in the long run? It is important that these cumulative effects of mining in Wyoming, and the energy to transport the coal, as well as the cumulative effects of the entire infrastructure (power lines, train tracks, multiple trains rolling through the Steptoe valley, and water wells, pipelines, and diversion structures) be analyzed in the EIS.
- I25-6

I25-4 The elements of natural integrity, visibility, solitude, soil, air, and water quality are described and evaluated under the resource topics of water (surface and ground water), biology, air quality, visual, and Wilderness in Chapters 3 and 4 of the DEIS and this FEIS. Appendix C of this FEIS includes BMPs designed to reduce the potential for short-term and long-term impacts on these resources from the proposed White Pine Energy Station. See the response to Comment I14-11 for a discussion of Section 325 of the White Pine County Conservation, Recreation, and Development Act of 2006 and Wilderness areas.

I25-5 The DEIS and this FEIS respond to a specific application for a right-of-way to construct and operate a 1,590-MW coal-fired power plant in Steptoe Valley to meet base-load energy need and to provide economic benefits in White Pine County. The Purpose and Need statement relates to the Applicant's (WPEA's) specific project proposal. The BLM is obliged to assess that Proposed Action, the No Action Alternative, and other alternatives, including alternative power generating technologies. Section 2.5.1, *Alternative Power Generating Technologies*, in the DEIS and this FEIS discusses in detail the various alternative generation technologies, including renewable energy sources (such as solar, geothermal, and wind). The DEIS considered a variety of technologies for meeting the purpose and need for the project, including technologies not proposed by WPEA. Additionally, see the response to Comment G1-28.

It is further noted that the transmission infrastructure supported by the proposed Station would facilitate the development of renewable resources (for example, wind and solar) in the area that would not be viable without the transmission infrastructure.

I25-6 The direct, indirect, and cumulative effects of mining coal in Wyoming are addressed in numerous EISs that have been prepared specifically for proposed coal mining activities in that state. The direct, indirect, and cumulative effects of using the mined coal to fuel the White Pine Energy Station power plant are addressed in the DEIS and this FEIS. Also, predicted emissions from locomotives transporting coal on the NNR between Shafter and the proposed White Pine Energy Station for use in the power plant are addressed in the DEIS and this FEIS in Section 4.6.1.3.3, *Magnitude of Emissions During Operation*. Connected action effects of the SWIP and NNR and cumulative effects of the SWIP, NNR, and proposed White Pine Energy Station, as well as other projects considered in the cumulative effects analysis, are described in Chapter 4 of the DEIS and FEIS.

Types of impacts on other resources from rail traffic carrying coal from the Powder River Basin to Shafter would be similar to those impacts described for the NNR between Shafter and the White Pine Energy Station power plant site. Likely rail road routes and estimated current rail traffic from the Powder River Basin in Wyoming to Nevada were reviewed (Cambridge Systematics, 2007). Estimated current rail traffic on track segments between the Powder River Basin and Wells, Nevada, which is approximately 30 miles northwest of Shafter, is approximately 700 to 1,400 trains per week in Wyoming, 175 to 350 trains per week in Utah, and 66 trains per week between the Kennecott Smelter in Utah and Wells, Nevada (Maier, 2008). For the proposed White Pine Energy Station, 12 trains per week would carry coal from the Powder River Basin to Shafter and 12 trains per week would return to the Powder River Basin, for a total of 24 trains per week. The additional rail traffic of 24 trains per week compared to the current rail traffic by track segment listed in the preceding text would be increases in rail traffic of approximately 1.7 to 3.4 percent in Wyoming, 6.9 to 13.8 in Utah, and 36.4 percent from the Utah-Nevada line to Shafter based on the Kennecott Smelter to Wells estimate. Because of this, there would be slightly increased overall noise levels (but no increase in peak noise) and the potential for slightly increased wildlife collisions compared to current conditions proceeding west from the Powder River Basin to Shafter.

- I25-7 7. This proposal will require considerable water. It is claimed there are adequate water rights, but that is a legal determination, not an environmental one. Given the number of other proposals that may use the areas ground and surface water, cumulative impacts to vegetation, soil and potential effects from water table drop need to be addressed.
- I25-8 8. The power company needs to be required to use the latest and most effective technologies to reduce emissions, not just the minimal legal requirements.
- I25-9 9. Global warming has been an obvious and considerable problem for decades, and it is finally being recognized by even politicians that support dirty energy such as coal. It is backwards to build more coal power plants that will contribute to global warming. Most science predicts that there will be drastic visible impacts from global climate change in the next decade, such as complete melting of ice caps etc. As these problems become more apparent to the public the demand for greenhouse gas producing energy sources will dry up, making coal power obsolete. The possibility of this issue needs to be addressed as well. It may not be prudent or feasible to construct power plants that may only operate for a few years. I know this is a difficult effect to address but it is important none the less and needs to be mitigated before allowing this project to continue.
- I25-10 10. Visual impacts are not adequately addressed in the Draft. The model maps showing where the power plant will be visible from are completely inadequate. As an example the crest of the Schell creek Range is shown as an area where the power plant will no be visible from. The entire valley can be seen from the crest and certainly a 600 ft high smoke stack and accompanying emissions will be seen. Please put some thought and actual science into analyzing and mitigating visual impacts.
- I25-11 **For the above reasons the alternative location near Duck Creek, just north of McGill is completely unacceptable, and any coal plant construction is suspect and likely not a feasible energy source. Please take these comments into consideration. If clean energy solutions are not profitable enough for the power companies and coal power plants must be constructed they need to be much further north, away from existing communities, sensitive natural resources, public recreation opportunities and designated Wilderness areas, and also need to incorporate the latest technologies to reduce emissions and mitigate environmental and social impacts. New technologies need to be utilized as they become available (rather than deemed to be affordable), and power companies need to move toward using 100 percent clean energy.**

The Nevada State Engineer is responsible for the allocation of ground water in the project area. In 1980, the State Engineer issued an order designating Industrial/Power Generation as the preferred use of ground water in Steptoe Basin. Following a public hearing in 1983, the Nevada State Engineer granted White Pine County the rights to withdraw up to 25,000 acre-feet per year of ground water in Steptoe Valley for industrial purposes, including power generation. The State Engineer also designated ground water in that portion of Steptoe Valley surrounding Ely and north to McGill for municipal uses and elected to curtail future appropriation of water for irrigation in that area. The City of Ely holds municipal water rights of 14,476 acre-feet, which the City estimates would serve a population of approximately 20,000 and be adequate for the City's long-term growth. However, the City of Ely uses less than 3,000 acre-feet of its municipal water rights to meet current needs for a population of 4,325 (White Pine County, 2007).

The White Pine County Board of County Commissioners' letter of July 11, 2007, points out that if the water rights granted to White Pine County by the State Engineer for power production are not used for that beneficial use, they could be lost to the county. Further, any change in use by the county would require approval by the State Engineer and would be subject to protest and/or denial. It should also be noted that in response to public concerns, WPEA revised its proposed cooling system to reduce ground water annual consumption from 25,000 acre-feet to 5,000 acre-feet.

The annual demand for 5,000 acre-feet of water by either the Proposed Action or Alternative 1, together with the most recent known ground water demand by other permitted ground water users, would use less than 15,000 acre-feet of ground water. These values are only a small fraction of the annual ground water perennial yield of Steptoe Valley (70,000 acre-feet). Water rights held by White Pine County are senior to many of the other water rights in the basin, and pumping of these senior water rights (up through White Pine County power production water rights) would not exceed the perennial yield of the basin. The Nevada State Engineer would restrict pumping of water rights junior to those of White Pine County for power production if issues regarding perennial yield were to occur.

The exact location of the wellfield that would serve the proposed Ely Energy Center has not yet been selected, as discussed in Section 4.19.3.4, *Ground Water Resources*, of this FEIS. However, the only location within the Steptoe Valley Hydrographic Basin that has the potential for cumulative impacts to ground water resources would be the Ely Energy Center wellfield located near Lages Station that could cause an overlap between the zones of ground water drawdown for the White Pine Energy Station and the Ely Energy Center. However, the most likely overlap area does not contain springs. Therefore, cumulative impacts to springs from the projects are unlikely. The zone of potential overlap does contain one permitted well, which is shown in Figure 4.4-3 in this FEIS north of the White Pine Energy Station drawdown zone and southwest of Lages Station. It is uncertain whether that well would be impacted because it is outside the 2 foot drawdown zone of the White Pine Energy Station wellfield and the drawdown zone for the Ely Energy Center is unknown at this time. It is anticipated that once the exact location of the wellfield for the proposed Ely Energy Center is known for certain and its effects analyzed, this information would be used in the EIS for the Ely Energy Center to analyze potential cumulative effects on ground water resources resulting from the proposed Ely Energy Center and the White Pine Energy Station. It also is anticipated that a ground water monitoring and mitigation program generally similar to that for the White Pine Energy Station would be developed for the proposed Ely Energy Center, and implemented and enforced according to Nevada State Engineer requirements.

Section 4.19, *Cumulative Impacts*, of this FEIS considers the effects of all past, present, and reasonably foreseeable future actions with the potential to result in cumulative impacts when combined with the potential effects of the proposed White Pine Energy Station. Cumulative impacts were analyzed for all of the resources addressed in this FEIS.

- I25-8** The rationale for the selection of the various emission control technologies is summarized in Section 2.5.4, *Alternative Air Pollution Control Technologies*, and detailed in Appendix D, *Evaluation of Alternative Control Strategies*, of this FEIS. The selection of control technologies weighs competing factors, including energy efficiency and collateral environmental impacts. These competing factors are documented in detail and discussed in Appendix D of this FEIS. The NDEP has determined that the control technologies selected for the White Pine Energy Station satisfy the requirement to apply the Best Available Control Technology.
- I25-9** Additional information regarding climate change has been added to this FEIS. Section 3.6.1.1.12, *Climate Change*, has been revised and moved to a new Section 3.6.2 to include a broad discussion of the currently observed impacts to resources associated with climate change. Section 4.6.2, *Climate Change*, has been added to this FEIS to describe projected future changes in climate, along with discussions of the various factors thought to influence climate. Section 4.19.3.6.1, *Air Quality*, has been revised and moved to new Section 3.19.3.6.2 to discuss the potential incremental cumulative impacts of emission sources on climate change. Finally, Appendix M, *Understanding and Evaluating Climate Change*, has been added to this FEIS.

A memorandum of understanding (MOU) between WPEA and the State of Nevada, signed on November 20, 2007, would require the Station to be designed and constructed in a manner to be "Carbon Capture Ready" so that the facility can be retrofitted in the future with carbon dioxide capture and sequestration. As part of this requirement, approximately 7 acres of land would be set aside for each coal-fired boiler to allow for the installation of this technology. The land set aside is discussed in the revised Section 2.2.3.1.2, *Land Set-Aside for Future Carbon Capture Technology*, and the MOU is included in Appendix F of this FEIS. Potential carbon dioxide control technologies are evaluated in FEIS Section 2.5.4 and Appendix E, *Carbon Capture and Sequestration*.

- I25-10** The seen area analysis reveals that views of the Station from portions of the crest of the Schell Creek Range would be screened by intervening ridgelines between the crest and the Station. The photo simulations in the DEIS and this FEIS used the best available information on the size of the Station features to create a possible image of the Station from various Key Observation Points (KOPs). The simulations provide a reasonable image for comparative purposes.

In the example of the Schell Creek Range, two KOPs (KOP 3 and KOP 4) were selected to assist in the analysis of possible visual impacts from that area. Table 4.7-2 in the DEIS and this FEIS shows that under the Proposed Action the power plant site would be visible at KOP 3, Lincoln Highway, because of the scale of the cooling towers, generator stacks, and, to a lesser degree, the power plant. It would, therefore, not meet Visual Resource Management (VRM) Class III objectives. Under Alternative 1, features at the power plant site would be visible at KOP 4, U.S. 93 Turnoff, for the same reasons.

Ultimately, the visual analysis found that facilities associated with the Station would be viewed to varying degrees throughout much of Steptoe Valley based on scale (see Section 4.7.3.4, *VRM Consistency*, in the DEIS and this FEIS). As described in Appendix C, *Best Management Practices*, the BMPs would help reduce the visual impacts of facilities except for the cooling towers and generator stacks under both the Proposed Action and Alternative 1.

- I25-11** Alternative 1 has been fully assessed at the same level as the Proposed Action, and potential effects are described in the DEIS and this FEIS. That assessment will be used by the BLM in deciding whether the Proposed Action, Alternative 1, or the No Action Alternative will be approved.

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Comment Letter I25

Please provide me with a copy of the final EIS and any associated documents, upcoming public meeting dates, or other pertinent information concerning this or similar projects.

Thank you, Daniel H. Morris
695 Campton
Ely, NV. 89301
775-289-6958
danielmorris@fs.fed.us

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

U-153

White Pine Energy Station Project Draft Environmental Impact Statement

Comment Form

We would appreciate your comments on the Draft Environmental Impact Statement for the White Pine Energy Station Project. Please use this form (attach additional pages if required). You may either return it before you leave this public meeting or mail to the address at the bottom of the form. The comment period ends on June 19, 2007. Thank you for participating.

126-1

1) Need to analyze impacts to wilderness values including opportunities for solitude / primitive recreation, scenic values, Air/water Quality (any degradation is not acceptable in wilderness), Natural integrity, apparent naturalness, etc. -

126-2

2) Negative Socio-economic impacts are significant, these need to be addressed as well. Quality of life, Health issues, Tourism economy impacted.

3) Its 2007, should we really be constructing coal power plants, why not wind and solar? Keeping costs to the consumer low, and profits high is not an adequate answer!!

4) AH:1 is completely unacceptable, too close to ELY/McGill

I urge No action

Date:

5/8/07

Signature:

[Signature]

Name (printed):

Daniel H. Morris

Address:

695 Campton, ELY NV. 89301

Please submit to:

Bureau of Land Management
Ely Field Office
Jeffrey A. Weeks
HC 33, Box 33500
Ely NV 89301-9408

126-3

Mitigation is needed for Air quality beyond EPA standards
~~and that is~~ Clean air is an important characteristic of all wilderness areas, not just class 1 air sheds. ELY

- I26-1 See the response to Comment I25-4.
- I26-2 See the response to Comment I25-1.
- I26-3 See the response to Comment I25-3. The proposed White Pine Energy Station will be required to meet, not exceed, the standards set by the Clean Air Act and the NDEP.

White Pine Energy Station Project Draft Environmental Impact Statement

Comment Form

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I27-1

1) 5000 Acre Feet of Water Per Year are ALLOCATED -
WELLS ARE 1000 FEET (X8). HOW DOES THIS AFFECT
WELLS IN THE AREA (RESIDENTIAL + AGRICULTURAL) AS FAR
AS DRAW DOWN? WHAT IS THE ESTIMATED REPLENISHMENT
RATE OF THE AQUIFER?

~~2) IF WELLS ARE AFFECTED, IS THERE ANY PROPOSED
FUND OR RECOURSE FOR REMEDY?~~

Date:

Signature:

Name (printed):

Address:

Please submit
to:

Bureau of Land Management
Ely Field Office
Jeffrey A. Weeks
HC 33, Box 33500
Ely NV 89301-9408

I27-1 The DEIS and this FEIS assess potential ground water level declines in the vicinity of existing permitted wells in Section 4.4.1.4 for the Proposed Action and Section 4.4.3.4 for Alternative 1. See the response to Comment I20-3 for a discussion of these effects. Published estimates of the annual rate of recharge to the basin-fill aquifer in Steptoe Valley range from approximately 85,000 acre-feet to 132,000 acre-feet (see Table 3.4-7 in the DEIS and this FEIS). See the response to Comment I25-7 for a discussion of ground water allocations, uses, and replenishment as related to proposed Station needs. Appendix G in this FEIS outlines the components of the proposed ground water monitoring and mitigation program (subject to approval by the Nevada State Engineer) that would be implemented under either the Proposed Action or Alternative 1. See the responses to Comments G1-6 and I20-3 for further discussion of this program.

White Pine Energy Station Project Draft Environmental Impact Statement

Comment Form

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I28-1

1.) WHAT Road Route will CONSTRUCTION MATERIAL will be TAKEN TO plant site?

Date:

Signature:

Name (printed):

Address:

Please submit to:

Bureau of Land Management
Ely Field Office
Jeffrey A. Weeks
HC 33, Box 33500
Ely NV 89301-9408

ELY

128-1 Several routes may be utilized to transport construction materials to the plant site. For aggregate material that originates from the mineral materials sale area shown on FEIS Figure 2-1, the material could either be transported (a) south along White Pine County ("WPC") Road 27 to WPC Road 24 (Monte Neva Road) to US Highway 93 and north to the Proposed Action access road, or (b) north along WPC Road 27 to WPC Road 18 to US Highway 93 and south to the Proposed Action access road. For construction materials that originate outside of the area, U.S. Highways 93, Alternate 93, 50, 6, or State Route 318 could be used to transport materials into the area. U.S. Highway 93 would be utilized more than any other route because this is the main highway that would be used to access the site. Section 4.18.1.1, *Impacts*, details the potential impacts of the proposed Station on the transportation network.

White Pine Energy Station Project Draft Environmental Impact Statement

Comment Form

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I29-1

1.) ASH (Solid waste) To KEEP ASH FROM Blowing

Date:

Signature:

Name (printed):

Address:

Please submit
to:

Bureau of Land Management
Ely Field Office
Jeffrey A. Weeks
HC 33, Box 33500
Ely NV 89301-9408

ELY

129-1 NDEP-BAPC requirements for the solid waste disposal facility, such as requirements for water sprays and surface sealants, will minimize the potential for fugitive dust emissions.

White Pine Energy Station Project Draft Environmental Impact Statement

Comment Form

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I30-1

1.) THERE IS A FUND FOR WILDLIFE WHAT ABOUT
RESIDENTIAL WELL DRAW DOWN MITIGATION

Date:

Signature:

Name (printed):

Address:

Please submit
to:

Bureau of Land Management
Ely Field Office
Jeffrey A. Weeks
HC 33, Box 33500
Ely NV 89301-9408

ELY

130-1

See the responses to Comments I27-1 and I20-3, which summarize the analysis of potential ground water level declines that would result from either the Proposed Action or Alternative 1, and the responses to Comments I20-3 and G1-6 regarding the monitoring and mitigation program contained in Appendix G of this FEIS that would be implemented to protect ground water resources. Analyses indicate that current ground water permits (that is, existing wells) would not be adversely affected by the proposed Station. The projected levels of drawdown for the Proposed Action and Alternative 1 are not expected to require the deepening of any existing permitted wells. Accordingly, no mitigation for drawdown in existing residential wells would be necessary.

Comment Letter I31

Printed for Doris Metcalf 105/11/2007



Doris
Metcalf/EYFO/NV/BLM/DOI
05/11/2007 08:39 AM

To Robbin Palmer <rpalmer@nnps.reno.nv.us>
cc
bcc
Subject Re: coal fired energy plants

Thank you for your comments, we will add your name to the interested party list.

Doris A. Metcalf
Lead Realty Specialist
HC33 Box 33500
Ely, NV 89301
phone 775-289-1852
fax 775-289-1910

Robbin Palmer <rpalmer@nnps.reno.nv.us>



Robbin Palmer
<rpalmer@nnps.reno.nv.us>
05/10/2007 07:51 AM

To doris_metcalf@blm.gov
cc
Subject coal fired energy plants

Dear Ms. Metcalf,

I hope my comments aren't too late. I am opposed to the building of new coal fired energy plants in White Pine County-- or anywhere in Nevada, for that matter.

It's time for the US, and NV in particular, to develop clean, alternative energy sources. We have the natural resources here in NV to become a leader in alternative energy sources through solar and/or/wind energy generation. Burning coal for energy contributes to global warming--a real, and grave threat to all life on earth. For this reason alone, coal fired energy plants will soon be antiquated. Additionally, water is a precious, diminishing resource in NV and a coal fired plant would suck up tremendous amounts of this resource.

Building a new coal fired energy plant is contrary to developing clean, renewable energy.

Robbin Palmer
Reno, NV

No comments on the White Pine Energy Station DEIS were delineated for the letter shown on the facing page.

5-31-07

White Pine Energy Station Draft Environmental Impact Statement

Comment Form

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- I32-1 | 1 *What will you do to improve the landscape.
In exchange for violating the land with
the proposed plant?
- I32-2 | 2 * Will you plant grass lands?
- I32-3 | 3 * Will you put in a lake for the wildlife?
- I32-4 | 4 * Will you create park, usable lands
for the area people away from the plant
not around the plant?
- I32-5 | 5 * What will you do to relocate the animals that
will be left homeless, (reptiles, etc, scorpions, such...?) tortoise?
- I32-6 | 6 * If L.V. is suppose to get its water, someday from Ely, what
are the dangers of leakage or contamination into the ground
water?

Date: 5/31/07

Signature: Candace M. Palmerston

Name (printed): C. M. Palmerston

Address: 6148 Carl Ave
LV, NV 89108

Please submit to: Bureau of Land Management
Ely Field Office
Jeffrey A. Weeks
HC 33, Box 33500
Ely NV 89301-9408

- I32-7 | * 7 Suggestion: Why not offer to "improve" the land in
exchange ie plant grass what ever it takes in exchange for
the amount of land you will be using? or double the land
Planted for grass for the Horses!?

LV FIELD OFFICE

- I32-1 The project will follow the Best Management Practices (BMPs) described in the DEIS (Appendix A) and this FEIS (Appendix C), Sections on Landscape Preservation and Impact Avoidance (6 BMPs listed), Erosion and Sediment Control (7 BMPs listed), Noxious and Invasive Weed Management (13 BMPs listed), Reclamation (14 BMPs listed), and Visual Resources (7 BMPs listed) to improve the landscape or reduce landscape effects resulting from construction/operation of project features. Examples include recontouring to original conditions and revegetating disturbed areas by planting native, representative grasses, forbs, trees, and shrubs. See the response to Comment I8-2 for Visual Resources BMPs, including night lighting practices, that will be followed. Reseeding 700 to 900 acres using a native seed mix as part of the Moriah Ranches Seeding Project also would enhance landscape appearance, contribute to better ecological condition, improve forage for livestock, and provide an opportunity to create a habitat mosaic that provides cover for sage-grouse and antelope.
- I32-2 See the response to Comment I32-1. Grasslands disturbed by the construction and operation of project features will be revegetated using native, representative grasses as described in Appendix C. Also, several species of native grasses will be contained in the seed mix for reseeding 700 to 900 acres under the Moriah Ranches Seeding Project, which is described in Chapter 2 as a proposed enhancement measure.
- I32-3 No lakes for wildlife are proposed.
- I32-4 No parks or usable lands are proposed.
- I32-5 No relocation of animals is proposed. However, establishment and proponent/applicant funding of a habitat mitigation fund is suggested in Section 4.5.3.1.3, *Mitigation*, of this FEIS under the discussion of wildlife and fisheries resources to help offset the temporary and permanent losses of wildlife habitat. No desert tortoises are in the project area for either the Proposed Action or Alternative 1.
- I32-6 Process water and stormwater from the proposed Station will be regulated under the applicable NDEP-BWPC permit programs. Solid waste stored onsite will be regulated under the NDEP solid waste permit program. These permit programs require protective measures to minimize the potential for impacts to ground water. Thus, no contamination and no direct or indirect impacts to surface or ground water quality are anticipated under the Proposed Action or Alternative 1 as discussed in Sections 4.3 and 4.4 of the DEIS and this FEIS.
- I32-7 Grasslands disturbed by the construction and operation of project features will be revegetated using native, representative grasses as described in Appendix C, *Best Management Practices*. Also, several species of native grasses will be contained in the seed mix for reseeding 700 to 900 acres under the Moriah Ranches Seeding Project. This project would enhance landscape appearance, contribute to better ecological condition, improve forage for livestock, as well as wild horses, and provide an opportunity to create a habitat mosaic that provides cover for sage-grouse and antelope.

White Pine Energy Station Draft Environmental Impact Statement

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Coal is a very dirty way to generate energy.
Mojave in Mohave, CO AZ was shut down
due to excess pollution in the canyon.
Now we want to build another polluter so Grand Canyon & white
just so that developers can make profits. ^{me will be dirty too.}
We need to develop alternative, renewable sources of power.
More efficient uses of CO₂. How is this going to
Reduce Global Warming? I am concerned
about the 1,500 acres of land permanently
disturbed and bald eagle habitat destruction.
I saw another Bush sponsored project to privatize our National
heritage! I do not like it.

Date:

Signature:

Name (printed):

Address:

Please submit
to:

Bureau of Land Management
Ely Field Office
Jeffrey A. Weeks
HC 33, Box 33500
Ely NV 89301-9408

No comments on the White Pine Energy Station DEIS were delineated for the letter shown on the facing page.

White Pine Energy Station Draft Environmental Impact Statement

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NO WAY!! There are absolutely no justifications for building yet another filthy, pollution-spewing coal-fired power plant. No matter what the "mitigations" implemented, the fact remains that there is no such thing as clean coal. Asthma is epidemic in this country and airborne pollution is a leading cause, with much of it coming from dirty coal plants. The money, time & resources would be much better spent on making renewables more viable, not in old business-as-usual technology. Investors have much more to gain because the future lies with renewables. Oh, by the way, have you folks heard of global warming? We need to stop burning fossil fuels! You folks are trying to

Date:

May 31, 2007

Signature:

Rita L. Ransom

Name (printed):

Rita L. Ransom

Address:

4925 Glenarden Dr.

Las Vegas, NV 89130

Please submit to:

Bureau of Land Management
Ely Field Office
Jeffrey A. Weeks
HC 33, Box 33500
Ely NV 89301-9408

LV FIELD OFFICE

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

sell us a Bill of goods, but we're not buying it!

The artist's rendering of the proposed plant sickens me. Talk about visual blight against that gorgeous backdrop. And I think of the wildlife habitat disturbed, the plant life destroyed by this monstrosity - it sickens me even more.

This plant would be an environmental nightmare. Think of the future and invest in renewable energy instead.

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

ERIK B. RYBERG

ATTORNEY AT LAW

May 15, 2007

Jeffrey A. Weeks
Bureau of Land Management
HC 33 Box 33500
Ely, NV 89301-9408



Dear Mr. Weeks:

Please accept these comments on the White Pine Energy Station Project. I am a frequent visitor to the Ely area, as well as other areas in northern Nevada that will be affected by this project, such as the Jarbidge Wilderness Area. I note the Jarbidge, which has some of the cleanest air in the nation, will be affected by pollutants from this power plant.

I also note that this project will use approximately 200,000 acre feet of water over its projected life, or approximately 5,000 acre feet per year. That is enough water to fill a swimming pool one square mile in size approximately seven feet deep, per year. There is no possible way that in this arid landscape such an immense water withdrawal—enough nearly to double what is currently being used—will not have an impact on the plants, animals, and perhaps even soils and climate of the local area.

Your plans for mitigation are really just a plan to observe the conditions of springs and then, if something starts happening, toy around with pumping schedules. There are no plans to reduce the water needed, and if your "mitigation" does not succeed, the springs will die. This must be disclosed, rather than disguised, as it is now.

I am further opposed to the construction of this new coal-fired power plant because of the impact it will have on global climate change. There is no single source of greenhouse gas emissions more significant than that posed by coal-fired power plants. No other single source puts so many tons of emissions into the air. Indeed, this plant is predicted to add over 20 million tons of greenhouse gases into our atmosphere per year, or 4.5 million pounds *per hour*. This is the approximate equivalent, in sheer tonnage, of five hundred and thirty-five H2 Hummers per hour launched into the atmosphere, for twenty years.¹

I35-1 ↓ Just as coal-fired power plants like this one are the most significant contributors to greenhouse gas emissions, greenhouse gas emissions themselves are likely to be the most significant environmental concern of our lifetimes and beyond.² Yet I can find no

¹ Estimated by using the figures provided on Table 4.6-31 and the estimated gross vehicle weight of an H2 Hummer of 8,400 lbs.

² See e.g. the primer from NASA at <http://earthobservatory.nasa.gov/Library/GlobalWarmingUpdate/>. The document should contain at least this degree of information about global warming considering it is championing a coal-fired power plant.

135-1

Further analyses of climate change have been added to this FEIS. Section 3.6.2, *Climate Change*, has been added to this FEIS and includes a broad discussion of the currently observed impacts to resources associated with climate change. Section 4.6.2, *Climate Change*, has been added to this FEIS to describe projected future changes in climate, along with discussions of the various factors thought to influence climate. Section 4.19.3.6.2, *Climate Change*, has been added to this FEIS to discuss the potential incremental cumulative impacts of emission sources on climate change. Finally, Appendix M, *Understanding and Evaluating Climate Change*, has been added to this FEIS. The potential cumulative impacts of all global carbon dioxide emissions are summarized in Section 4.19.3.6.2 and in Appendix M of this FEIS.

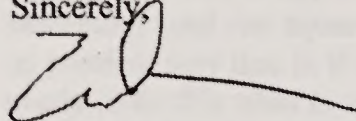
I35-1
(cont.)

↑ analysis in this document that describes the impact of this plant on global warming or any discussion that alerts the public and the decision-maker to the importance of curbing carbon emissions such as those this plant will produce in great quantities. This defect must be cured and the agency must front up to the contributions it is making to the destruction of earth's climate and the biological systems that depend on that climate. It must also include an assessment of the predicted impacts of global warming on the planet as a whole as well as what is known from models about the impact of global warming to the local (very arid) area. It seems far more likely that global warming will change the biological makeup of this area much more so than the small physical disruptions to the landscape that this DEIS dwells upon, yet global warming gets virtually no discussion.

I35-2

The tonnage of emissions produced by this plant should be compared to the total tonnage that treaties like the Kyoto treaty aimed to reduce on an annual basis. My belief is that by comparing such figures a true picture of the significance of the contribution made by this plant will more easily be seen. Moreover, the significance of the electrical contribution must be asked alongside the significance of the global warming contribution: how much does this plant contribute to the total sum electrical generation of the planet, versus how much does this plant contribute in greenhouse gas emissions?

Sincerely,



Erik B. Ryberg

I35-2 See the response to Comment I35-1. Emissions comparisons are included in Table 4.6-31 in this FEIS and Appendix M.

Comment Letter I36

From: mark.schaffer@unlv.edu [mailto:mark.schaffer@unlv.edu]
Sent: Friday, June 01, 2007 1:14 AM
To: Halslip, Tom/AUS
Cc: chris@nevadaconservationleague.org; steve@solarmv.org
Subject: New MIT study that should be included in White Pine Energy Station Project

Hello Mr. Halslip,

I36-1 I enjoyed our brief conversation after the meeting tonight. My comment on the draft EIS for the White Pine Energy Station Project is that a proper evaluation of all energy alternatives is not possible without having included the latest valid research being done on those alternatives by credible investigators. Rather than include the ~14 Mbyte pdf file directly I have referenced the URL that provides the file in all its cautious glory here:

<http://web.mit.edu/newsoffice/2007/geothermal.html>

The other article I mentioned provides a different rationale for preferring energy efficiency over simply trying to increase supply to meet demand and is needed to balance that mantra in this EIS. Here is a link to the original article and a piece that provides more context:

<http://homepages.mtn.org/iasa/mirage.html>

<http://www.gi.alaska.edu/ScienceForum/ASF15/1546.html>

Take care,
Mark Schaffer

136-1 Page 1-7 of the referenced Enhanced Geothermal Systems (EGS) report (Massachusetts Institute of Technology, *The Future of Geothermal Energy*, 2006) shows that EGS systems have not yet been developed on the commercial prototype scale. Because the technology has not yet progressed to the commercial prototype scale, EGS is not considered a reasonable alternative for the proposed White Pine Energy Station.

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We oppose construction preferring

solar, wind and geothermal

power sources.

Thank you.

Date:

5 31 07

Signature:

Sandra L. Schwalb

Name (printed):

Sandra L. Schwalb

Address:

1620 E Viking Rd 2

Las Vegas

NV 89119

Please submit
to:

Bureau of Land Management

Ely Field Office

Jeffrey A. Weeks

HC 33, Box 33500

Ely NV 89301-9408

No comments on the White Pine Energy Station DEIS were delineated the letter shown on the facing page.



U.S. DEPARTMENT OF ENERGY

TO: [Illegible]
FROM: [Illegible]
SUBJECT: [Illegible]

[The following text is mirrored and illegible, appearing to be a letter or report body.]

[Illegible signature block]



"steven s."
<socastevie@yahoo.com>
06/19/2007 02:39 PM

To jeff_weeks@nv.blm.gov
cc
bcc
Subject Comments: White Pine Energy Station

To Whom It May Concern,

It has just this week come to my attention that you are taking public comments on a proposed coal-fired power plant proposed near Ely.

I have not had time to examine the DEIS for this plant in depth, but I do have strong feelings about this plant, which I'd like to share for the record.

While I understand Nevada's growing need for energy due to its rapidly increasing population, I feel strongly that we need to look to environmentally safer and friendlier resources. From my studies and meetings attended on coal power, I understand that coal is a very polluting and damaging source of energy. Even with the newest technologies, such as liquid, or diverting by-products and waste underground, there will still be a huge amount of toxic waste. Even if pumped underground, it will eventually find its way out of any receptacles and into our environment. With Nevada being one of the driest states in the country, we can't risk contaminating the water table.

We here in Utah, being downwind, are very concerned for the mercury levels produced by coal, as well as other comparably toxic by-products, not to mention haze. We experience wintertime temperature inversions which trap this air in our valleys, homes, and lungs for weeks at a time.

We also understand there are economic attractions in the local economy to quickly set up a plant and provide jobs for the local community, but safer and renewable technologies should also provide jobs. Of course this should not be the focus of Environmental Impact.

Wind power and Solar power are both very viable options, with perpetually renewable and free sources.

I understand Methane is now being used effectively for electricity generation as well, and is another renewable resource, as it is a by-product from not only landfills, but animal and human waste.

Thank you for your time. I urge you to consider denying the toxic and dangerous outputs of coal powered electricity for Nevada, and instead help lead the way to a renewable energy source that will be better for everyone.

Respectfully,
Steven Seftel and family
2500 south 600 east
Salt Lake City, Utah 84106

No comments on the White Pine Energy Station DEIS were delineated the letter shown on the facing page.

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Bureau of Land Management
MAY 17 2007
RECEIVED
ELY NV

Date:

MAY 17, 2007

Signature:

Robert L. Serville

Name (printed):

ROBERT L. SERVILE

Address:

P.O. Box 563

McGill, NV 89318

Please submit
to:

Bureau of Land Management
Ely Field Office
Jeffrey A. Weeks
HC 33, Box 33500
Ely NV 89301-9408

ELY

Hand delivered - mr

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

These comments relate to the May 8, 2007 meeting in Ely

- I39-1
1. Coal fired plants are "old" technology. They are "dirty" emitting visible particulates along with "greenhouse gases". There are other emissions that have not been discussed, such as mercury, other heavy metals and nuclear emissions.

Emissions from coal fired plants are a large contributor to Global Warming. This is only ONE reason for denying these permits.

2. These plants will pollute the night skies with light, there will be noise pollution 24/7, the views in this beautiful valley will be of power plants with 600 foot smoke stacks, transmission towers and lines and steam and smoke emissions. These emissions will be a health hazard to everyone in the valley.

3. During the construction phase (several years), there will be dust, noise and increased traffic for the residents of the valley and an increased risk of wildfire. My wife and other residents will have increased dust in our homes. This means more house cleaning, dust particulates in our food and drinks and in our respiratory systems.

This is wrong for the valley, wrong for the residents of the valley, and wrong for White Pine County.

4. There are hot springs in the valley, most notably Monte Neva Hot Spring. The "experts" at the meeting stated that the hot springs should not be impacted by a water draw down, but would not address how it would be corrected if they were affected.

- I39-2
5. If these plants are approved, operation of the trains MUST be limited to 8:00am to 7:00pm to allow the valley residents to have quiet nights to relax and sleep.

The "experts" at the meeting gave very poor, if any, answers to most of the questions submitted. This tells me that there are many unknown issues involving these power plants.

I39-1 Further analyses of climate change have been added to this FEIS. Section 3.6.2, *Climate Change*, has been added and includes a broad discussion of the currently observed impacts to resources associated with climate change. Section 4.6.2, *Climate Change*, has been added to this FEIS to describe projected future changes in climate, along with discussions of the various factors thought to influence climate. Section 4.19.3.6.2, *Climate Change*, has been added to discuss the potential incremental cumulative impacts of emission sources on climate change. Finally, Appendix M, *Understanding and Evaluating Climate Change*, has been added to this FEIS as a reference and as the source of the expanded EIS discussion. The potential cumulative impacts of all global carbon dioxide emissions are summarized in Section 4.19.3.6.2, *Climate Change*, and in Appendix M, *Understanding and Evaluating Climate Change*, of this FEIS.

A general discussion of mercury emissions and ambient mercury has been added at Section 3.6.1.1.7, *Mercury*, of this FEIS. A new Section 4.6.1.1.6, *Mercury*, has been added to this FEIS to express estimates of the impacts of airborne mercury from the White Pine Energy Station on surface waters and biota. Also, Appendix L, *Cumulative Analysis for Air Quality* (which evaluates the cumulative impacts of mercury and other emissions), has been added to this FEIS. A discussion on mercury control has been added to Section 2.5.4, *Alternative Air Pollution Control Strategies*, in this FEIS. Additionally, Appendix D, *Evaluation of Alternative Control Strategies* (which evaluates emissions control alternatives for mercury and other emissions), has been added to this FEIS.

Regarding "nuclear emissions" and coal-fired power plants, the United States Geological Survey (USGS) has stated, "[r]adioactive elements in coal and fly ash should not be sources of alarm. The vast majority of coal and the majority of fly ash are not significantly enriched in radioactive elements, or in associated radioactivity, compared to common soils or rocks." (USGS, *Radioactive Elements in Coal and Fly Ash: Abundance, Forms, and Environmental Significance*, Fact Sheet FS-163-97, October 1997). Similarly, based on the results of a multipathway risk assessment for radionuclide emissions from utility power plants, the EPA has stated that "[t]he risks due to exposure to radionuclides from utilities are substantially lower than the risks due to natural background radiation. The average exposure to natural background radiation (excluding radon) for the U.S. population has been estimated to be roughly about 100 mRems per year, which is about 67 times higher than the highest exposure due to utility radionuclide emissions." (EPA, *Study of Hazardous Air Pollutant Emissions from Electric Utility Steam Generating Units – Final Report to Congress*, EPA Document No. EPA-453/R-98-004a, February 1998, pp. ES-23-24) Based on these facts, radionuclide emissions are not anticipated to be a potential hazard to human health, and a detailed analysis in the EIS is not necessary.

I39-2 As reflected in Section 4.6.2.1.1, *Impacts*, of the DEIS and this FEIS, all of the calculated noise levels during White Pine Energy Station operation at a distance of 3 miles, the smallest distance between the proposed Station site and the nearest sensitive receptor (Hot Springs Ranch), are below the background noise level of 45 to 50 dBA (see Table 4.6-33). These noise levels could occur at any time of the day or night. Noise ordinances are typically administered by the local governing body instead of the BLM.

There are too many issues without solid answers and too much speculation that can have a long term harmful impact on the entire area, particularly, when new technology with wind and solar is available.

BLM must deny these permits.

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The manner in which this town was constructed was designed to deny a voice to the concerned citizens of this area. I found it unacceptable. Many of the answers to the question were down right lame and the citizens of this area were denied rebuttal to these answers

Date:

5-8-07

Signature:

Christine Shively

Name (printed):

Christine Shively

Address:

Box 3809

Carson City NV 89702

Please submit to:

Bureau of Land Management
Ely Field Office
Jeffrey A. Weeks
HC 33, Box 33500
Ely NV 89301-9408

ELY

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

Comment Letter 141

Printed for Doris Metcalf 105/11/2007



Marjorie L Sill
<msill@juno.com>
05/08/2007 02:06 PM

To doris_metcalf@blm.gov

cc

bcc

Subject Coal-fired power plants in Steptoe Valley

Dear Ms. Metcalf: I cannot be at the meeting tomorrow night in Reno because of a previous engagement, but ask that the following comments be put in the record.

I am opposed to the proposed coal-fired power plants for these reasons:
(1) Clean coal plants (using coal gasification) cannot be built at an altitude of 6000 feet. The plants projected will emit large quantities of carbon dioxide, the main cause of global warming.

(2) Such plants use a large amount of water and would have a deleterious effect on the water needed for wildlife, ranching, and communities in White Pine County.

(3) Transmission lines needed to carry power to Las Vegas and Reno will guarantee that a large amount of the power generated is lost.

(4) A much better solution to energy problems would be to use solar, wind, and geothermal energy that could be sited close to the places where the power is needed. To import coal from Wyoming to Nevada which is so rich in alternative energy sources is ridiculous.

Marjorie Sill
720 Brookfield Dr.
Reno, NV 89503
775-322-2867

No comments on the White Pine Energy Station DEIS were delineated the letter shown on the facing page.

I'd like to make a statement. I will ask questions in my statement, but I'm not asking for replies here. I'd like to see a much more accurate EIS.

I would like to start by quoting **part** the BLM Mission Statement:

The Bureau of Land Management ... is committed to ... protect ... these lands in the manner to serve the needs of the American people *for all times*.

I'd like to stress two things in this mission statement; first, "the American people" implies *all* of the American people. And second "for all times" implies long term thinking. As a citizen, I like this mission statement, and I feel we should keep it in our minds as we consider our options. This coal-fired power plant is not our only option. There are other, profitable ways to generate power – that are safer, cleaner, don't risk global climate catastrophe, don't invite train loads of other waste into Nevada... and use **no** water.

When hydrologists talk about evapotranspiration, their talking about life – the natural life that's been here for longer than people have. It's very interesting how one calculates perennial yield; which is essentially how much water can we take from natural life to benefit ourselves. It sort of made sense back when we intended to grow things with that water. But now, the primary goal is just to grow some "limited liability" corporation's profits. This water will disappear forever from Nevada into clouds of steam. That's about as far from the intent of Nevada water law as we can get.

But, enough about Nevada law. What about that Supreme Court ruling – that the EPA **has** to regulate Carbon Dioxide emissions? How can any of us here make reliable decisions concerning the next fifty years when we don't know what the regulations will be in the next couple of years? We need more time. We need more time to find out just what is going to be expected from White Pine Energy Associates LLC.

Yes, there are still some skeptics in this country who are not yet convinced that the greenhouse effect is legitimate. The world needs skeptics. I myself, am a skeptic that we can keep emitting pollution into our atmosphere with no effect. We need more time to study this. Let's take the time to find out for sure *before* we go ahead with a potentially disastrous project. It simply wouldn't be prudent to commit to releasing hundreds of millions of tons carbon dioxide into the atmosphere until we knew for sure it was OK.

Allow me to remind the BLM officials here of that portion of their mission statement; "for all time." If this is a good idea for all time, it will still be a good idea in a couple of years. If it isn't, we just might save ourselves from an environmental disaster. Is a two year moratorium, until we get our facts straight, asking too much? My guess is that LS Power thinks so. But my guess is also that LS Power may not *want* us to get our facts straight.

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

I was impressed with **one** thing about this draft EIS. It sure has a whole lot of words. Unfortunately, somewhere buried in all those words are quite a few words that are missing. Somebody went through a lot of work documenting what life is out there. But I didn't find much on what White Pine Energy Associates LLC would **do** if that life is harmed.

- I42-1 → I expect that somewhere in this document is disciplinary action that would be taken if WPEA LLC found some of it's employees shooting practically endangered species.
- I42-2 → I expect that somewhere in this document is an award program for employees who act to protect these practically endangered species.
- I42-2 → I expect a contingency plan if groundwater levels drop precipitously.
- I42-2 → I expect a list of what won't be allowed on the railway into our State.
- I42-3 → I expect a explanation of **why** solar and wind power are such poor options for our public lands.
- I42-4 → I expect a list of which diseases we should expect to see rise, and by how much – not only in the human population, but also in our domestic animals and wildlife.
- I42-5 → I expect a list of conditions that would require the shut down of the plant. For example; just how bad does the air quality have to be before someone at WPEA LLC says; "hey maybe we better shut things down for a while till the air clears up a little" Without this list of conditions, I'm left suspecting that no matter how bad things get, it will take a court order or an act of Congress to shut things down.
- I42-6 → Which means I expect a clear definition of what WPEA LLC considers an unacceptable environmental loss. Now... don't ignore me on this one. What is it actually going to cost us, environmentally? Should we expect to lose every living thing listed in this draft EIS – or just half? And what if the draft EIS is wrong? My guess is that LS Power knows more about our potential environmental losses than they have published in this document. They've been in this business for a while. But **by law**, they have to consider corporate profits over Nevada's, the Nation's, and the World's environment. It's **our** job to see that they don't roll over this valley like a Panzer division. So, WPEA LLC:

What do you consider an unacceptable loss?

- ✓ Extinction of a species?
- ✓ Localized extinction of an endangered species?
- ✓ Localized extinction of a say, all the antelope on the area?
- ✓ You **would** probably consider a toxic spill that injures everyone in the valley unacceptable. But how about a toxic leak that slowly injures just some of the people in the valley?
- ✓ How about a funny color in the air?
If that were it, just a funny color in the air... would that be acceptable to you?

I don't think it's just a funny color in the air. I think it's a sign...

- I42-1** Violations of local, state, and federal wildlife protection laws would be enforced and prosecuted by respective local, state, and federal authorities. The civil and criminal penalties for the illegal taking of an endangered species are provided in 16 USC Sec. 1540. Also, 16 USC Sec. 1540 provides for rewards and incentives for any person who furnishes information that leads to the arrest of a person illegally taking an endangered species.
- I42-2** The DEIS and this FEIS assess potential ground water level declines in the vicinity of existing permitted wells in Section 4.4.1.4 for the Proposed Action and in Section 4.4.3.4 for Alternative 1. See the response to Comment I20-3 for a discussion of these effects. Appendix G, *Ground Water Monitoring Program*, in this FEIS outlines the components of the proposed ground water monitoring and mitigation program (subject to approval by the Nevada State Engineer) that would be implemented under either the Proposed Action or Alternative 1. See the responses to Comments G1-6 and I20-3 for further discussion of this program.
- I42-3** Wind and solar generation technologies are evaluated in Sections 2.5.1.1.1 and 2.5.1.1.2 of the DEIS and this FEIS. Neither wind nor solar has the capability to provide baseload power nor do they meet several other criteria considered in determining whether alternative power generating technologies meet the purpose and need of the project. Therefore, wind and solar are not considered reasonable alternatives, and these technologies were not carried forward for detailed evaluation.
- I42-4** Federal, state, and local laws and regulations governing air quality, water quality, and the storage of hazardous and solid wastes are designed to protect human and biological health. Air quality emissions from the proposed Station must comply with State of Nevada laws, regulations, and permit requirements, which are below thresholds that would result in adverse impacts to humans, domestic animals, and wildlife. Similarly, storage requirements for ponded water and hazardous and solid wastes are designed to prevent the release of foreign materials and thus maintain conditions below thresholds that would result in adverse impacts to human and biological health. For these reasons, no diseases in humans or animals or public health threats are expected to result from the construction and operation of the White Pine Energy Station.
- I42-5** The White Pine Energy Station Air Quality Permit, issued by the NDEP, will include permit conditions that will regulate the emissions from the Station, and specify monitoring and recordkeeping requirements.
- I42-6** Questions and comments of this nature should be addressed directly to the project proponent.

An EPA study shows that emissions from coal-fired power plants cause 24,000 early deaths per year. Do the math... that's like six 9/11 terrorist attacks every year!

That funny color we'll see... is illness and death.

Would you drink water that color? No, of course not.

Would you even want to wear clothes stained that color?...

Guess what... The air pollution is the good news.

Because what you'll see in the air, will have been scrubbed clean of all of that stuff they will be putting inside a giant "solid waste disposal area" out in Steptoe Valley. This toxic landfill will be up to 100 feet high and take up to 200 acres. There will also be an "evaporation" pond for toxic sludge that will take up 90 acres. The captured mercury and all those other poisons, carcinogens, irritants, acids, and mystery chemicals that don't escape through the smokestack... will end up "disposed of" in these toxic sludge disposal areas.

I doubt **anyone** has even a comprehension of how dangerous these toxic sludge disposal areas will ultimately be. But, I wouldn't even have the nerve to *dare you* to go swimming in it.

There are a few more things that the draft EIS hasn't mentioned:

- What about the environmental impact of all the coal mining?
- What about the environmental impact of all the methane released during mining?
- What about the environmental impact of the oil drilling they will require to run the trains for 50 years?
- What about the environmental impact of the heavy machinery that they will require the operation of?
- And most importantly, what about the environmental impact of all that air pollution this huge document barely mentioned? Table 4.6.8 mentions 70 chemicals to be emitted by this coal-fired power plant, and the draft EIS only devotes two pages to the effects of air pollution. It talks about particulate matter, carbon monoxide, ozone, sulfur and nitrogen oxides, and lead. One emission that seems to be blatantly missing here is mercury. And how about all of those volatile organic compounds? The term volatile is an obvious indicator that these chemicals will have effects on anything they come in contact with. In my presentation to the Nevada Department of Environmental Protection, I listed some of these chemicals and their highly dangerous effects. Many of them are downright deadly. I will submit these impacts in my written input.
- One more thing. I found only one page that even mentioned greenhouse gas emissions, and nothing on greenhouse effects for the emissions of carbon dioxide, methane, and nitrous oxide. Hey, wait a minute. That's the big concern of the public right now... This document has not covered thoroughly;

142-8 ↓ ♦ extreme climate change

142-7 A general discussion of mercury emissions and ambient mercury has been added at Section 3.6.1.1.7 of this FEIS. A new Section 4.6.1.1.6, *Mercury*, has been added to this FEIS to express estimates of the impacts of airborne mercury from the White Pine Energy Station on surface waters and biota. Also, Appendix L, *Cumulative Analysis for Air Quality* (which evaluates the cumulative impacts of mercury and other emissions), has been added to this FEIS. A discussion on mercury control has been added to Section 2.5.4, *Alternative Air Pollution Control Strategies*, in this FEIS. Additionally, Appendix D, *Evaluation of Alternative Control Strategies* (which evaluates emissions control alternatives for mercury and other emissions), has been added to this FEIS.

The term "volatile organic compound" refers to organic compounds that are photochemically active and may contribute to ozone formation.

142-8 Further analyses of climate change have been added to this FEIS. Section 3.6.2, *Climate Change*, has been added and includes a broad discussion of the currently observed impacts to resources associated with climate change. Section 4.6.2, *Climate Change*, has been added to this FEIS to describe projected future changes in climate, along with discussions of the various factors thought to influence climate. Section 4.19.3.6.2, *Climate Change*, has been added to discuss the potential incremental cumulative impacts of emission sources on climate change. Finally, Appendix M, *Understanding and Evaluating Climate Change*, has been added to this FEIS as a reference and as the source of the expanded EIS discussion. The potential cumulative impacts of all global carbon dioxide emissions are summarized in Section 4.19.3.6.2, *Climate Change*, and in Appendix M, *Understanding and Evaluating Climate Change*, of this FEIS.

I42-8
(cont.)

- ◆ the acidification of the ocean
- ◆ the plight of the polar bear as the Arctic Ocean ice melts
- ◆ the loss of our pine forests due to pine beetle infestations
- ◆ the droughts we are already beginning to endure – both here in Nevada, on the Colorado River (which has lead to the SNWA water grab), and also droughts where melted mountain glaciers may no longer provide runoff to millions of people
- ◆ wildfires that have increased with the increase in ocean temperatures
- ◆ and the associated costs to humanity for having to deal with all of these self-induced plagues

This draft Environmental Impact Statement is lacking in information. The really important questions aren't even addressed. This leaves me with the impression that LS Power has something to hide. It is very important that we take the time to really understand just what the implications of giving something like this the go ahead will mean. This is a 50 year commitment. Actually, Steptoe Valley will have to store some of these pollutants essentially forever.

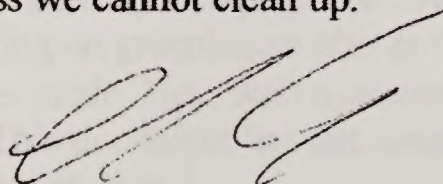
We can pretend that everything is going to be alright and hope for some implied windfall of cash, or we can take the time to actually find out the consequences. Just the fact that some of us are trying to warn you, should be cause for hesitation. Maybe, just maybe; we've noticed something worth taking the time to look into.

I have included an article, published by National Geographic, about Arctic Sea Ice melting. It seems that the computer models that predicted that summers in the Arctic would have no Sea ice by 2050 were wrong. They were too conservative. Earth-based and satellite observations have recorded data that show that Arctic Sea summers will likely have no ice by **2020! If ever** there were a time for a time out for coal, it would be now.

I don't like playing this game – everybody loses in the end. We have to figure out a new ending... We do have options. We all here have profitable options. Which is what makes this option so crazy. We're all here stuck on the same ship. If you are willing to look at it that way, we're all on this great big space ship Earth... flying through space. And if we break our ship, nobody wins – and no amount of profits will matter.

We've all been to kindergarten.
Let's not make a huge mess we cannot clean up.

Richard A. Spilsbury
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McGill, NV 89318



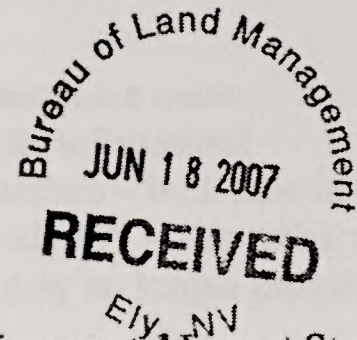
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No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

To: Bureau of Land Management
Ely Field Office
Jeffery A. Weeks
HC33, Box 33500
Ely, NV 89301

From: Richard A. Spilsbury

Subject: White Pine Energy Associates Draft Environmental Impact Statement



Here are a few things from the draft Environmental Impact Statement from LS Power / Dynegy / White Pine Energy Associates Limited Liability Corporation that show the WPEA coal-fired power plant is not good for the community:

Page 4-225 during the construction phase "it is estimated that about 10 workers of the unemployed work force ... would qualify for Station-related jobs ... it is estimated that an average of 40 jobs ... would be filled by local residents"

Page 4-240 notes "approximately 135 full and part time staff" Some of those 40 jobs will only be part time.

Page 4-240 "The tax revenue benefits generated by the Station would likely change the county's status from a guaranteed tax importer to a tax export county" This likely means that Clark County would not only avoid being polluted for energy it will consume, but will also get some of the tax revenue for it.

Page 4-234 "there would be an initial delay between the start of construction and when the (tax) revenue would become available to the County." In other words, when we will need the money the most, during construction; there won't be any. This will likely mean a hike in our taxes. LS Power has offered to loan money to us, but only if they get a reduction in taxes later. In the long run, that would just mean we would be giving them a tax break – when tax revenue is the primary reason we're even considering this.

143-1 | Page 4-225 states that "1200 workers" will be here "during peak construction" and Page 4-237 estimates that "115 to 144 school age children" will reside here. That is approximately one child for every 10 workers. No way. This page also omits any financial help the county will get for education and schools during construction.

143-2 | Page 4-235 shows no commitment to law enforcement help in McGill or Ely.

143-3 | Page 4-236 shows no commitment to fire protection and ambulance in McGill or Ely – even though 300 to 1200 construction workers may be commuting from there.

143-4 | Page 4-205 shows no commitment to helping with road maintenance.

- I43-1** The analysis summarized on page 4-237 of the DEIS uses Census data and related assumptions to develop an estimate of the number of school age children that would reside in the in-town family-related housing development of up to 300 units, not for the entire workforce of 1,200 because it is assumed that workers with families with children would not reside in the onsite, 1,000 housing units. If more school children reside in the in-town family housing than expected, the school capacity and enrollment data shown in Table 3.17-8 of the DEIS indicate the schools in Ely would still have sufficient capacity for additional students.

The Community Infrastructure and Public Services sub-section notes on page 4-235 of the DEIS that the tax receipts from the project are expected to be more than sufficient to cover the costs of all public services needed by the project (including education). While White Pine County would likely not need to use project tax receipts to expand educational services during project construction, the County would be prepared to do so if an unexpected increase in demand for such services were to occur.

- I43-2** Page 4-235 of the DEIS summarizes WPEA's commitment to assist law enforcement services by providing funding for one or two new deputies during project construction, providing security personnel and vehicles, implementing traffic control measures, and helping fund additional jail capacity if needed.

- I43-3** Page 4-236 of the DEIS summarizes WPEA's commitment to assist fire prevention and emergency services by providing onsite, fire-fighting equipment and personnel, EMT-trained personnel, and at least one ambulance/paramedic vehicle to help transport patients to local hospitals, thus allowing existing ambulances to remain available to serve local residents in Ely or McGill.

- I43-4** Potential road maintenance impacts are addressed on page 4-205 of the DEIS. As noted on page 4-238 in the socioeconomics section of the DEIS, road maintenance mitigation is not expected to be needed because the tax revenue generated by the proposed project would be sufficient to help fund project-related maintenance requirements. However, White Pine County and WPEA have also agreed to monitor road use and to implement appropriate maintenance mitigation if needed.

White Pine County and WPEA would likely establish a new advisory committee to help monitor socioeconomic effects related to the project. Members of the committee would include County staff that can represent affected agencies such as the Sheriff's Department and emergency services, plus City of Ely staff, one or more representatives of the County Commission, and WPEA. Potentially affected state agencies, such as the Nevada Department of Transportation, would also likely be represented on the committee. The BLM would consider including a condition to any ROW grant resulting from the Record of Decision requiring the applicant to participate in any advisory committee established by White Pine County for the purpose of monitoring adverse socioeconomic effects and mitigating such effects, if warranted.

Page 4-217 states "No people would be displaced as a result of implementing the Proposed Action (the coal-fired power plant)" I have spoke with a number of people who intend to move away if this plant is built. My next door neighbor already has his house up for sale. This coal-fired pollution generator will essentially stop the county's retirement community growth.

Table 4.6-8 lists 70 dangerous chemicals that will be emitted by this coal-fired power plant. Yet, the EIS devotes only two pages (pages 4-85 and 4-86) to the effects of air pollution – which only covers five pollutants.

143-5 | Page 4-276 states "minimal air quality impacts would occur during Station construction" but very notably says *nothing* about air quality during operation.

Page 4-17 notes that the coal-fired power plant will be "15 miles from the Goshute Canyon Wilderness, 17 miles from the Bristlecone Wilderness, 12 miles from the Becky Peak Wilderness, and 13 miles from the High Schells Wilderness" and yet Page 4-172 states "the project is anticipated to have little or no effect on ... visitation rates" Bull---- Obviously, tourism will fall precipitously.

Page 4-282 (table 4.22-1) lists hazardous and solid wastes left by this coal-fired power plant to be both reversible and retrievable. Nonsense. How could they put the chemicals back? And just because they intend to cover them with a little dirt obviously doesn't make things as good as new.

Page 4-277 states "Some hazardous materials would be stored on the power plant site." This has got to be the understatement of the next 50 years! All of those toxic chemicals they intend to keep from emitting into the atmosphere will end up in a massive toxic waste "storage facility" for Nevada to keep... forever.

Page 4-175 states "the probability of an accidental release of a hazardous substance in the Northern Nevada Railway corridor ... would be expected to be low." Maybe, but that omits the likelihood that the railway will be used to import other hazardous waste for permanent storage in White Pine County. If that happens, the probability of an accidental release increases substantially.

In Conclusion:

There is an obvious reason LS Power has created a Limited Liability Corporation to construct and operate this coal-fired power plant. They expect for us to someday sue them.

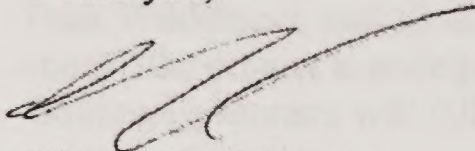
143-5 Based on the additional analysis of air quality impacts in this FEIS, unavoidable adverse impacts on air quality that were described on page 4-276 of the DEIS would not be expected to occur. This is explained in the following text. Emissions during Station operations would meet PSD permit requirements, including a modeled demonstration that all 'Class II area' ambient impacts would be within applicable ambient air quality standards and that PSD increment (a measure of change in air quality) would not be exceeded. The dispersion modeling and the results of the PSD air permitting process show that 'Class I area' impacts would be within applicable ambient air quality standards and adverse impacts to air quality-related values would not occur. Analyses of acid deposition at Great Basin National Park and Ruby Lake National Wildlife Refuge described in the cumulative effects analysis in Section 4.19.3.6.1, *Air Quality*, of this FEIS (see discussions under the headings *Cumulative Sulfur and Nitrogen Deposition Analysis* and *Cumulative Sulfur and Nitrogen Deposition Analysis Results*) demonstrate adverse effects to aquatic and terrestrial ecosystems are not expected.

LS Power/Dynegy intend to take our public land and pollute it. Sure, they'll pay for the property where the (100 foot tall, 200 acre) toxic waste storage facility and the (90 acre) toxic sludge evaporation pond will be – but likely so that they won't have to live by BLM rulings.

Of course, that's all they've ever claimed they would do – just what they were forced to by law – while taking as much wealth out of this County that they can.

In the past few years, we've heard reports of lobbyists writing the laws. Can we trust that the EPA will have the authority to enforce our environmental laws? We've heard stories of the gutting of the EPA. This looks pretty apparent, when we consider the fact that Limited Liability Corporations are still getting the go ahead to build coal-fired power plants – when we have safer, cleaner, and cheaper options (in the long run).

Thank you,



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No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

4.4.1.1 Decline in Ground Water levels in Depletion of Ground Water Resources

I43-6 | -What if the drawdown is significantly more at all of the wells? What options do we have other than just accepting it, or drilling more wells?

4.4.1.3 Surface water features

"lowering of the water table would not adversely affect the flow in the stream because it is fed by runoff" ... however, lowering of the water table will effect significantly where the stream ends. This *could* effect sensitive snail and fish species.

4.4.2 Proposed Action Mitigation

I43-7 | "If the monitoring program indicates that WPES is adversely affecting ground water levels, ... WPEA will modify their pumping strategy" Why is there no amount of mitigation stated that indicates what WPES would do if all of the wells were being drawn down? Why are there no instances mentioned where shutting down all of the wells would be necessary? Does this mean that, no matter what, they'll keep those pumps running?

4.11.1.1.1 Wilderness

"The Proposed Action power plant site is approximately 15 miles from the Goshute Canyon Wilderness, 17 miles from the Bristlecone Wilderness, 12 miles from the Becky Peak Wilderness, and 13 miles from the High Schells Wilderness ... the project is anticipated to have little or no effect on Wilderness ... visitation rates."

4.11.2.1.1 Wilderness

"The Alternative 1 power plant site is approximately 22 miles from the Goshute Canyon Wilderness, 8 miles from the Bristlecone Wilderness, 19 miles from the Becky Peak Wilderness, and 7 miles from the High Schells Wilderness ... the Station would have little or no effect on Wilderness ... visitation rates."

I43-6 If a decline in water levels is anticipated to be greater than expected at the locations of springs or existing wells, operation of the entire well field serving either the Proposed Action or Alternative 1 would be adjusted to reduce the water level decline at the locations of the affected resources to avoid the potential for impacts. This is described in the proposed ground water monitoring and mitigation program in Appendix G, *Ground Water Monitoring Program*, of this FEIS, and summarized in the responses to Comment I20-3 and G1-6 regarding the ground water monitoring and mitigation program.

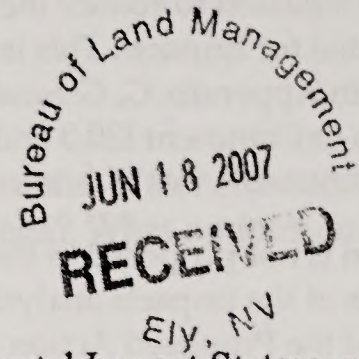
I43-7 Mitigation is not proposed in the DEIS or this FEIS for lowering water levels in existing wells because the results of the impacts analysis conclude that significant water level declines would not occur because of the Proposed Action or Alternative 1. The DEIS and this FEIS assess potential ground water level declines in the vicinity of existing permitted wells in Section 4.4.1.4 for the Proposed Action and Section 4.4.3.4 for Alternative 1. See the response to Comment I20-3 for a discussion of this assessment.

If it is anticipated that water levels would affect existing resources, the operation of the project well field would be revised to minimize the amount of drawdown at the location of the affected resource(s) to avoid impacts. This could mean that some wells would not be used except very sparingly (for example, potentially not used except during times of maintenance of other wells, potentially only used to meet peak water demand, etc). This is described in the ground water monitoring and mitigation plan in Appendix G of this FEIS and summarized in the response to Comments I20-3 and G1-6.

To: Bureau of Land Management
Ely Field Office
Jeffery A. Weeks
HC 33, Box 33500
Ely, NV 89301

From: Richard A. Spilsbury

Subject: White Pine Energy Associates Draft Environmental Impact Statement



I44-1

WEPA has left out a large section of very important information on the dangerous chemicals the coal-fired power plant they intend to build will emit. This is supposed to be a thorough review of the environmental impacts. WEPA barely mentioned 65 of 70 dangerous chemicals that will be emitted. Where in the DEIS does it explain fully the risks of breathing the smog emitted from this plant? I've thrown together some of the information that should be there (for just a few of those chemicals). This kind of information needs to be public. Withholding this kind of information just might be illegal.

(These statistics are estimates based upon similar sized coal fired power plants using similar "pollution controls." My numbers are not exact, but should be well within 20%.)

LS Power/Dynegy are not here to help us. They will pay the taxes that they have to – and they will hire a handful of locals, *IF* they have a need. But they are here for only one reason; to turn our natural wealth into money for themselves. They are here because we have the cleanest air that they can pollute.

During its 50 years of planned operations, this White Pine Energy "Associates" coal fired power plant will burn approximately 350 million tons of coal. That is literally a mountain of coal. None of the chemical byproducts from burning this mountain of coal will just disappear. That which does not end up discarded in a 100 foot tall, 200 acre toxic landfill is still far more than our community and our environment can handle.

Some of the chemicals that the LS Power coal fired power plant will emit into our air during its 50 years of operation are:

Carbon Monoxide – 35 parts per million can cause headaches and dizziness within 8 hours

400 parts per million can be fatal

LS Power intends to release **380,000 tons** of Carbon Monoxide into our air.

Sulfuric Acid – One of the primary components of acid rain. Acid rain has been shown to have adverse impacts on forests, freshwaters, and soils. In some cases, whole areas of

144-1 On page 4-94 of the DEIS, Section 4.6.1.3.7, *Class II Area Hazardous Air Pollutants*, discusses the HAPs that were estimated to be emitted as part of the Prevention of Significant Deterioration (PSD) Air Quality Permit. This analysis showed that it is unlikely that the estimated HAP concentrations would result in an unacceptable risk to the occupants of residences, even if residences were located in close proximity to the Station site. Additionally, EPA has determined that mercury is the primary HAP of concern for coal-fired power plants (EPA Utility Report to Congress, 1998).

A general discussion of mercury emissions and ambient mercury has been added at Section 3.6.1.1.7, *Mercury*, of this FEIS. A new Section 4.6.1.1.6, *Mercury*, has been added to this FEIS to express estimates of the impacts of airborne mercury from the White Pine Energy Station on surface waters and biota. Also, Appendix L, *Cumulative Analysis for Air Quality* (which evaluates the cumulative impacts of mercury and other emissions), has been added to this FEIS. A discussion on mercury control has been added to Section 2.5.4, *Alternative Air Pollution Control Strategies*, in this FEIS. Additionally, Appendix D, *Evaluation of Alternative Control Strategies* (which evaluates emissions control alternatives for mercury and other emissions), has been included in this FEIS.

The project-related increases in mercury deposition and bioaccumulation at the location of the maximum mercury concentration near the Station boundary are expected to be less than 0.5 percent. The cumulative increases in mercury deposition and bioaccumulation (that is, the increases associated with the proposed project and reasonably expected future actions) at the location of the maximum mercury concentration near the Station boundary are expected to be less than 3 percent of the existing levels.

forest have died from acid rain. Acid rain kills off insect and aquatic lifeforms (including fish). Acid rain depletes minerals from the soil. Acid rain causes damage to buildings. And although the coal industry has been able to cast doubt on the obvious fact that pumping acid into our environment is bad for our health, chemicals related to acid rain have been shown to cause illness and premature deaths in humans.

LS Power intends to release **15,000 tons** of Sulfuric Acid into our air.

They also intend to release **225,000 tons** of Sulfur Oxides and **230,000 tons** of Nitrogen Oxides

Particulates – These are those chemicals associated with acid rain that cause illness and premature deaths.

LS Power intends to release **97,000 tons** of particulates into our air.

Mercury – Many of the ocean's fish are laced with unsafe levels of mercury. We all know where that mercury is coming from. Just one drop of mercury in a large lake can make all of the fish there unsafe to eat. Infinitesimal amounts of mercury can cause learning, language, and motor skills damage. Mercury can also permanently damage the nervous, cardiovascular, immune, and reproductive systems.

LS Power intends to release **10 tons** of mercury into our air.

Lead – Lead is a known poison. Lead has been known to cause mental retardation, schizophrenia, reproductive problems, physical illness, and death. Consumption of lead is dangerous in the milligrams.

LS Power intends to release **100 tons** of lead into our air.

Arsenic – Arsenic is a notorious poison that leads to death from multi-system organ failure. Arsenic is a category 1 carcinogen. The World Health Organization considers water unsafe at anything over 10 parts per billion.

LS Power intends to release **95 tons** of arsenic into our air.

Benzene – Breathing benzene can cause drowsiness, dizziness, rapid heart rate, headaches, tremors, confusion, and unconsciousness. Eating or drinking foods containing high levels of benzene can cause vomiting, irritation of the stomach, dizziness, sleepiness, convulsions, rapid heart rate, and death. Benzene is a human carcinogen. The EPA has set the maximum level of benzene in drinking water at 5 micro grams per liter.

LS Power intends to release **300 tons** of benzene into our air.

Benzyl Chloride – This dangerous gas has been use as a weapon in war.

LS Power intends to release **165 tons** of benzyl chloride into our air.

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

Hydrogen Fluoride – Hydrogen Fluoride is toxic even in small amounts when ingested or absorbed through the skin. Exposure to hydrogen fluoride can lead to extreme throbbing pain, metabolic changes, and even death.

LS Power intends to release **2,100 tons** of hydrogen fluoride into our air.

Acetaldehyde – Acetaldehyde is toxic, an irritant, and a probable carcinogen.

LS Power intends to release **135 tons** of acetaldehyde into our air.

Methyl Chloride – Chronic exposure to methyl chloride has been linked to birth defects in mice. In humans, exposure to methyl chloride during pregnancy may cause the fetus' lower spinal column, pelvis, and legs to form incorrectly.

LS Power intends to release **125 tons** of methyl chloride into our air.

Acrolein – Acrolein is such a severe pulmonary irritant that it has been used as a chemical weapon during World War I. Acrolein is a suspected human carcinogen. Acrolein concentrations of 2 parts per million are immediately dangerous to life.

LS Power intends to release **70 tons** of acrolein into our air.

Carbon Dioxide – Although carbon dioxide is not toxic, it *is* very dangerous to the balance of our environment. The massive amounts of carbon dioxide that humanity has been pumping into our atmosphere is resulting in:

- The intensity and duration of hurricanes doubling since the 1970's.
- 400,000 square miles of Arctic sea ice has melted in the last 30 years.
- There isn't a glacier on the planet that isn't significantly smaller than it was a hundred years ago. And the meltwater from some of these glaciers feed rivers that millions depend on.
- The National Center for Atmospheric Research has found that the density of the outer atmosphere is predicted to reduce by 3% by 2017 due to carbon dioxide emissions.
- The Center for Health and the Global Environment has reported that mosquito-borne diseases, such as malaria, have spread to once cooler climates.
- The National Center for Atmospheric Research has found that the percentage of the Earth's land area stricken by serious drought more than doubled from the 1970's to the early 2000's.
- The El Nino has caused a drought for two years in the Amazon rain forest. Rivers have dried up, and wildfires have burned large areas. If this continues this year, an unstoppable cycle of deforestation may begin.
- In 2002 and 2006, the Western US experienced some of the worst wildfires in the last 50 years. The National Academy of Sciences have published data that show that Western wildfires have been linked to North Atlantic temperatures. Nature magazine has published evidence that this is happening on other locations on the planet also.

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

- The National Oceanography Centre found a 30% reduction in the currents that carry water from the Gulf Stream, which raises fears that Western Europe might plunge into a mini ice age.
- Researchers from the Scripps Institution of Oceanography have found clear evidence that the top half-mile of the ocean has warmed dramatically in the past forty years. Nature magazine has published an article that points out that the Oceans' phytoplankton are in decline, and that the productivity of the Global oceans is tightly linked to climate change. Phytoplankton absorb carbon dioxide.
- The National Academy of Sciences published a report that Global warming was responsible for permanently killing off of 90% of the coral in a part of the Indian Ocean. The World Conservation Union warns that 20% of the Earth's coral reefs have already effectively been destroyed and that half of the world's coral reefs may die within the next 40 years.
- The Pacific Marine Environmental Laboratory has found that the world's oceans are 30% more acidic from more carbonic acid (due to the buildup of carbon dioxide in the atmosphere). This acid is accumulating 100 times faster than at any time in a million years. At this rate, within the next 50 to 100 years seawater will dissolve sea shells.
- Divers from the University of California, Santa Barbara have already observed methane blowouts from the sea floor. They warn that if Global warming continues, we may reach a tipping point wherein frozen hydrocarbons will release tremendous amounts of greenhouse gases that could accelerate Global warming out of control.
- The Institute of Arctic Biology has found that frozen bubbles in Siberian lakes are releasing methane at rates five times higher than previously estimated. As permafrost continues to thaw, tens of thousands of teragrams of methane could be released into the atmosphere, accelerating Global warming.
- The Association of British Insurers has estimated that global warming will lead to \$27 billion worth of storm damage annually by 2080.
- Nature magazine and National Geographic have published articles that predict that by 2050 a million species may go extinct due to human emitted greenhouse gases.
- An internal Pentagon report has warned that Global climate change will soon lead to drought, famine, and widespread warfare as countries begin to fight over scarce water, food, and energy resources. The report argues that climate change, "should be elevated beyond a scientific debate to US national security concern."

LS Power intends to emit **500 million tons** of carbon dioxide into our air.

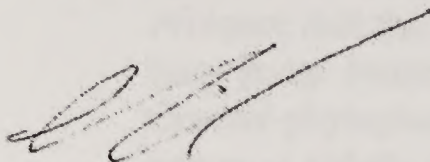
That's right. This is about more than poisoning a few miners, Mormons, and Indians out here in the middle of nowhere. This is about the future of America, our civilization, and even humanity. We can do the right thing, and generate electricity using safe and

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

Comment Letter l44

sustainable technology – or we can allow these modern day carpetbaggers to ruin our lives.

Thank you for taking your time to hear me out,



Richard A. Spilsbury
PO Box 1055
McGill, NV 89318
775-235-7557
rickspils@excite.com
noshootfoot.com

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

To: Bureau of Land Management
Ely Field Office
Jeffery A. Weeks
HC 33, Box 33500
Ely, NV 89301

From: Richard A. Spilsbury

Subject: White Pine Energy Station Draft Environmental Impact Statement



I45-1

I found the Draft Environmental Impact Statement (DEIS) woefully inadequate and the actions planned to be irresponsible and possibly even illegal. I implore you to take your time, evaluate our options, inform me of actions I can take, use your best judgment, and be brave in the face of corruption at the top. Our political situation will change. Technology will change. Our understanding of the Environment will change. The evaluation of this project is not straightforward. You will have to live with your decision for the rest of your life. Please consider my statements with an open mind and a caring heart.

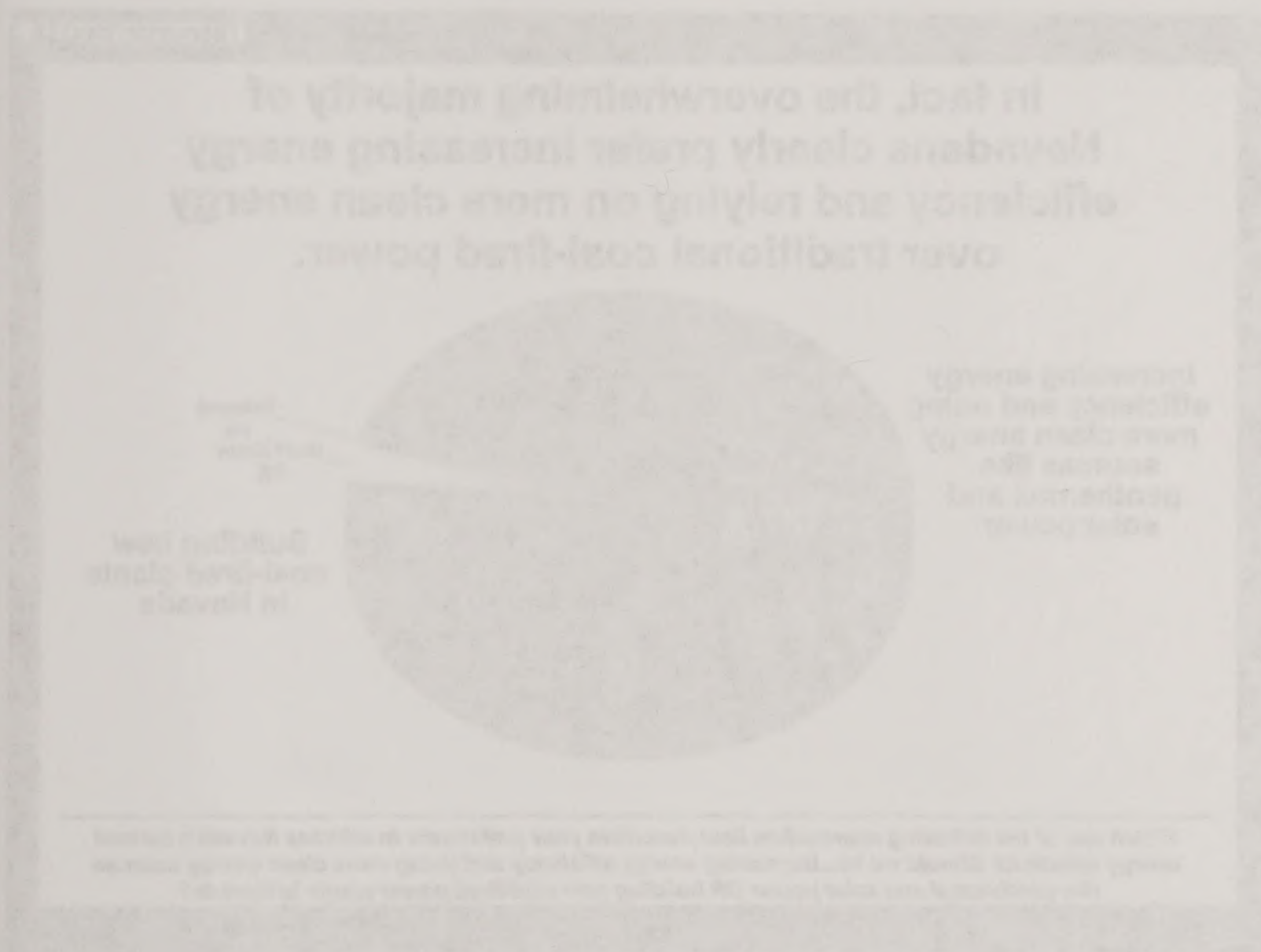
1. You have no right to give away our land. You have no right to sell our land... at least not without our permission. And you don't have our permission. We never voted on this. This is Western Shoshone land. This is the American peoples' land. We don't want our land polluted, when there are better options. This is not something that has to be done out of necessity. This is really more of an effort to maximize some corporation's profits. If this isn't illegal, it sure should be. As a citizen of the United States, I want to know why this isn't illegal. I think it is. And I want to know how to change the law, if it isn't. Until this matter is cleared up, it is **not** your job to OK this draft Environmental Impact Statement. Don't ignore me. The DEIS documentation review of the public scoping input gave me the impression that no actions were taken. It appears that somebody counted the comments... and that's it. What kind of responsiveness is that? It simply isn't.
2. We, the citizens of the United States of America, need this land in its natural state more than some fly-by-night Limited Liability Corporation. This land has survived in it's present state, supporting my ancestors for thousands of years. LS Power/Dynegy claim that they *need* to despoil this land. The massive toxic waste dump they will leave will make this land uninhabitable essentially forever. There is no *need* to do that.
3. Wind power, solar power, geothermal power, dams, wave power, and tidal power all generate electricity without any toxic waste. Power can be stored in banks of flywheels. Modern day flywheels are 99% efficient, and utilize no toxic chemicals. Also, the technology for ultracapacitors is improving. They are already replacing batteries in some applications. The up front price to go totally safe, clean, and renewable may be higher now, but only if you ignore the total costs to society. Coal is just this corporation's way of socializing the costs. We, the

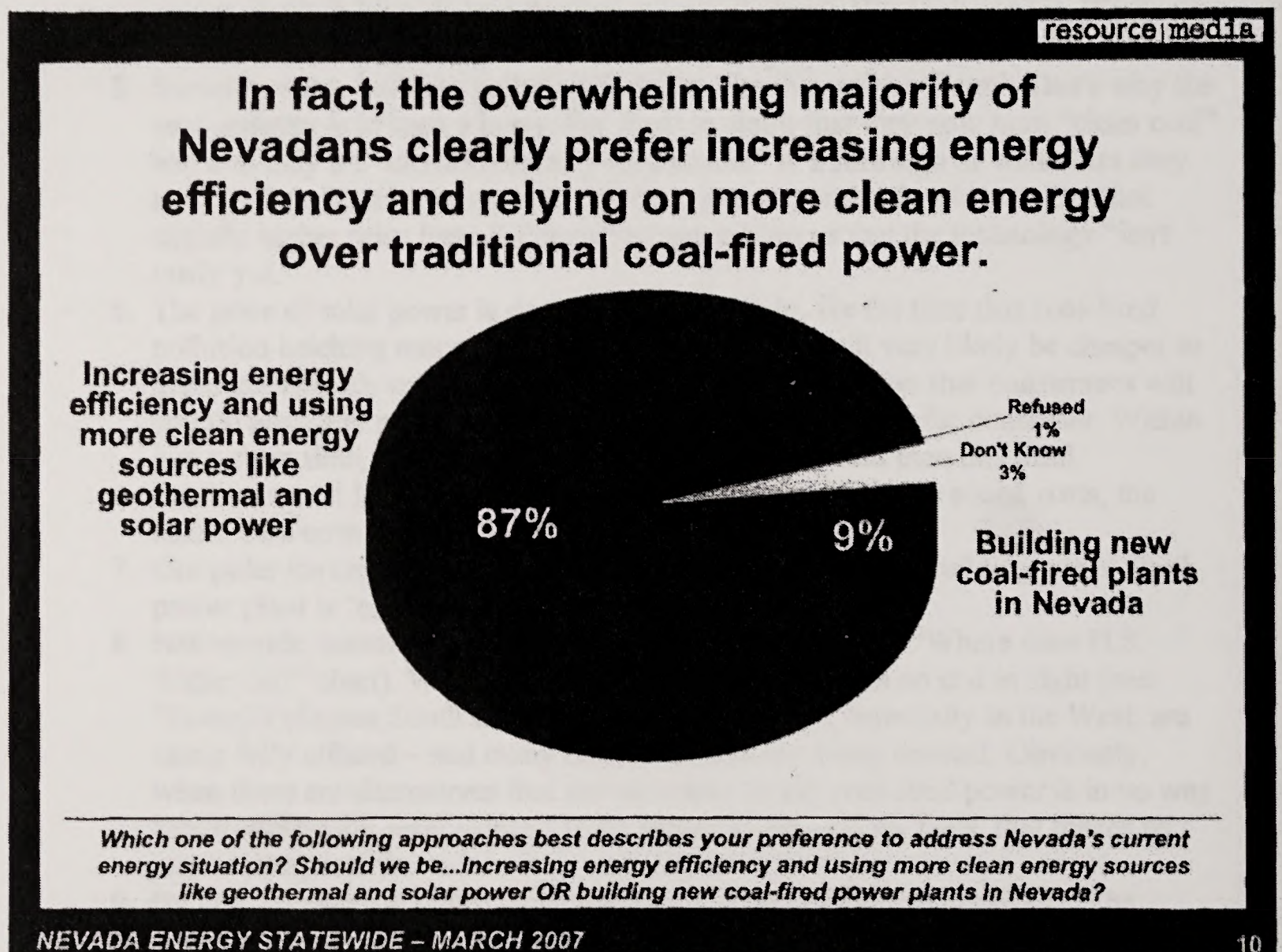
I45-1 This FEIS appropriately and adequately discloses the potential impacts of the proposed White Pine Energy Station. More specific responses are provided to subsequent comments contained in Letter I45.

I45-2 All input from scoping was considered in the DEIS. Each of the environmental issues listed for consideration in the scoping report are addressed in the DEIS and this FEIS.

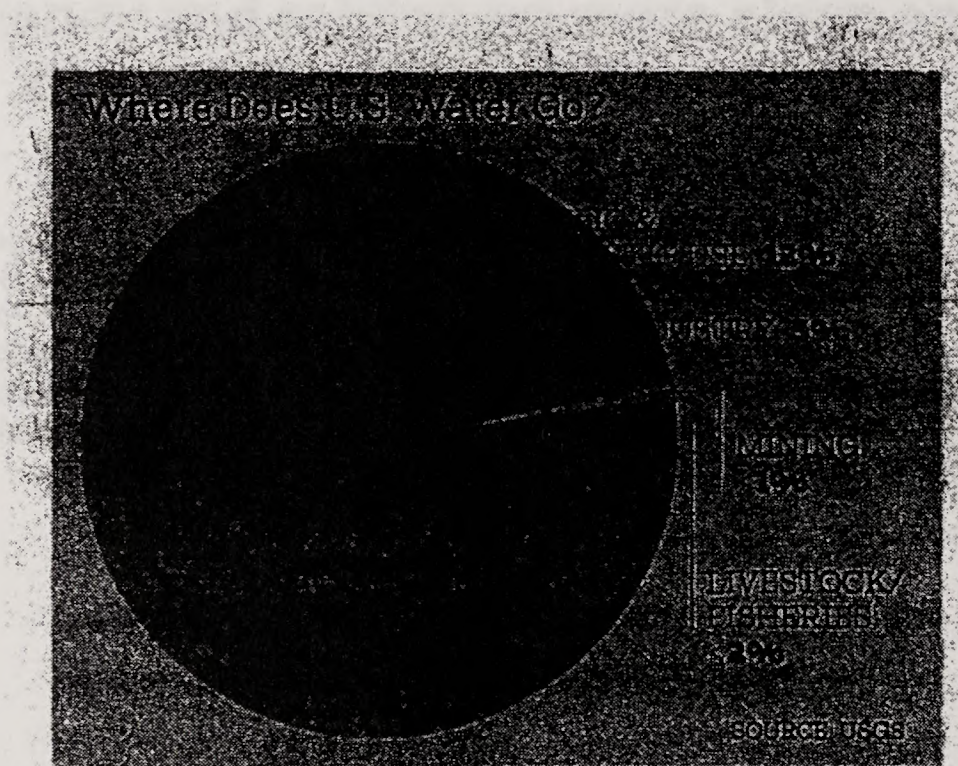
- citizens of the United States, have **no need** to pay for these corporations' profits with our health, the well-being of our region, and the environment of our planet.
4. We, the citizens of Rural Nevada, do not need this power. We don't even want this power. We have power. California doesn't want coal-fired power. And most Nevadans don't want coal-fired power. A poll taken by Public Opinion Strategies in March of 2007 found that 87% of Nevadans prefer increasing energy efficiency and relying on more clean power as a better option than building new coal-fired power plants in Nevada (see "resource media" chart). We don't need it. We don't want it.
 5. Someday soon, building pollution factories like this will be illegal. That's why the coal industry is in such a hurry. For them to claim that they now burn "clean coal" and that they are "environmentally responsible" is a sure sign of what **liars** they are. Coal gasification costs 10 to 20 percent more, and is far cleaner. But that slightly higher price has LS Power/Dynegy telling us that the technology "isn't ready yet."
 6. The price of solar power is dropping precipitously. By the time this coal-fired pollution belching monstrosity is built, solar power will very likely be cheaper to generate. And it's very likely that there will be carbon taxes that **consumers** will end up having to pay too. There will be no cost savings for the consumer. Within just a short time, the cost differences will be far different than this draft Environmental Impact Statement claims. And what about the social costs, the health care costs, and of course, the environmental costs?
 7. Our polar ice caps are already melting. It's simply a lie that building a coal-fired power plant is "environmentally responsible."
 8. Nationwide, power plants use 48% of our fresh water (see "Where does U.S. Water Go?" chart). We are in a nationwide drought, with no end in sight (see "Drought plagues South and West" map). Our rivers, especially in the West, are being fully utilized – and many of our aquifers are being drained. Obviously, when there are alternatives that use **no water at all**, coal-fired power is in no way "environmentally responsible." If we ignore these obvious facts, that makes us just as irresponsible.
 9. By law, corporations must serve the best interests of their shareholders. The courts have interpreted those interests as creating wealth, bottom line. However, corporations also have to be environmentally responsible by law. But these laws are apparently less important. Assuring that these corporations are truly environmentally responsible is the Government's job. Unless we force these corporations, they won't be environmentally responsible. They're simply more focused on making money.
 10. WPEA won't provide "low cost electricity." They will sell at what the market will bear. As a corporation, they essentially have to by law. Inevitably, the price of coal will rise – as soon as America commits to burning it for the next 50 years. Shortages will mysteriously occur. Coal deliveries will somehow not make it on

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.



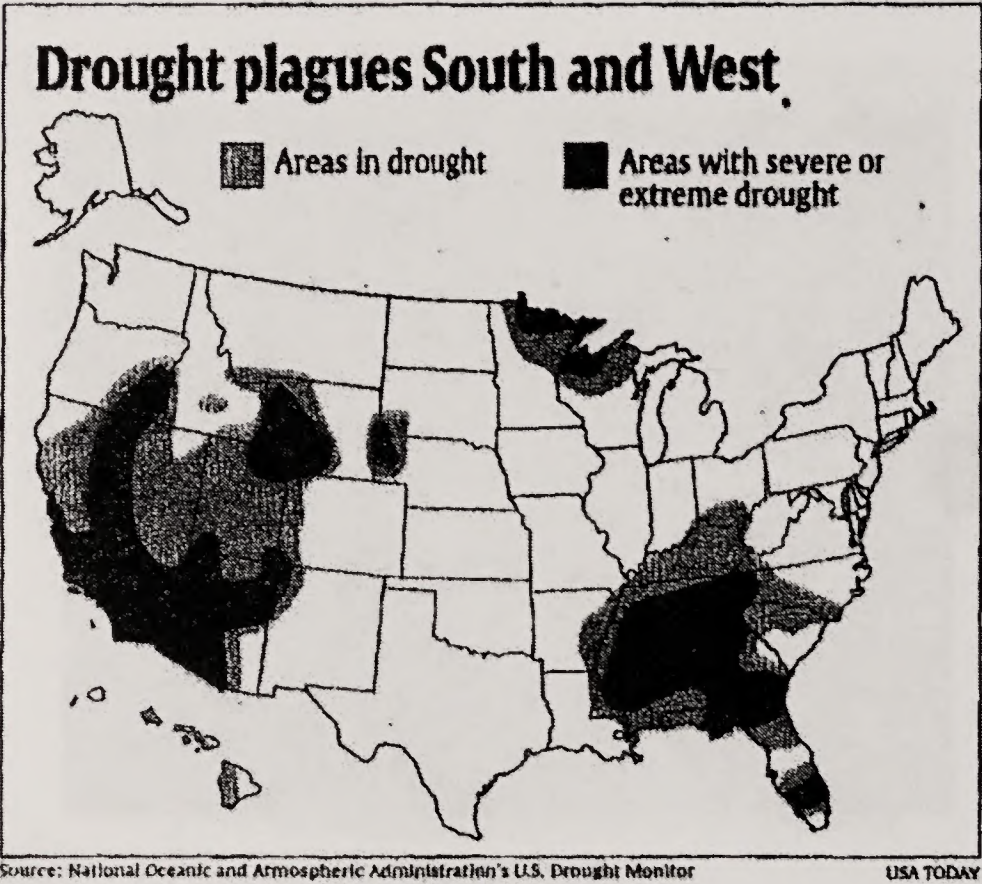


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time. Doesn't anybody remember Enron? I'll bet the coal industry does.

- I45-3 | 11. The draft Environmental Impact Statement barely even mentions alternative power generation – other than to say that LS Power/Dynegy won't make as much money if they generated power not using coal. What does that say about our system? If it's cheaper to corrupt the government into giving you the land – if it's cheaper to kill people and wildlife with your pollution – if it's cheaper to upset the critical balance of the weather – if it's cheaper to push our civilization ever closer to collapse; then it must be the right thing to do – because it's cheaper. I say no way! Every rational person in this country who has paid any real attention agrees. And we're getting other people's attention. In time, everyone will be against this. Alternative power generation has been alternative for far too long. The technology is ready. Unfortunately, some politicians have done everything within their power to run alternative power companies out of business. Guess who pays their campaign contributions. If alternative power companies would have received even a fraction of the 80 billion dollars the coal industry has taken from the US taxpayer in the past 50 years, alternative power would already be mainstream. This draft Environmental Impact Statement pretends that it would be impossible to do anything other than burn pulverized coal. LS Power/Dynegy are simply
- I45-4 | lying. Not only do alternatives need to be more closely studied, but the future change in costs of alternative power generation needs to be considered. If we can hold out just a few years, and do everything we can to conserve power, the price of alternatives will likely be far less expensive than coal.
12. A sure sign of how cheap LS Power/Dynegy are, is how they seem **not** to have even considered actually paying for the land for their power plant. Sure, they may pay for the part they don't want to be regulated by the Federal Government. But the property they want is *our* land. At some time or another, LS Power must have considered buying private land instead of taking pristine public land. But they somehow seem to have forgotten to publish why they chose this option. Allow me to speculate for a moment; maybe they figure that the cleaner the land they start with, the more they can pollute it.
- I45-5 | 13. Why did LS Power decide to build a coal-fired power plant instead of some mix of alternatives? Because that's what they do. If you go to a surgeon, expect the treatment to be surgery. If you go to a executioner, expect the treatment to be very major surgery. This is what they do. This is how they make their money. They never really considered alternative power. They don't know how. For the past 30 years, America has lost our lead in alternative power generation. LS Power can't compete. So they come up with some lame excuse, like truly clean technologies can't generate that much power. **Lies!** Maybe they can't do it all under one roof, but why should that be a constraint? It simply shouldn't.
- I45-6 | 14. If White Pine Energy Associates LLC/LS Power/Dynegy truly wanted to do the best they could with coal-fired power, they would have proposed IGCC (coal gasification) and carbon sequestration. They don't really wish to be clean. They

- I45-3 Section 2.5.1, *Alternative Power Generating Technologies*, in the DEIS and this FEIS discusses alternative generation technologies that were considered but eliminated from detailed evaluation. The DEIS considered a variety of technologies for meeting the purpose and need for the project, including technologies not proposed by WPEA. Also, Appendix H, *Alternative Coal-Fueled Generating Technologies*, has been added to this FEIS.
- I45-4 The cost comparison for the various alternative technologies can only be reliably conducted under current conditions because future cost changes are unknown. Speculation on future cost-effectiveness trends in other generation technologies is not a sound basis to evaluate alternatives with respect to meeting the purpose and need of supplying reliable, low-cost baseload power.
- I45-5 As documented in Section 2.5.1, *Alternative Power Generating Technologies*, of this FEIS and further discussed in the response to Comment G1-28, alternative energy sources do not satisfy the purpose and need for the project, that is, the alternative energy sources, whether considered alone or in combination, would not be expected to meet the purpose and need of the project—to supply reliable, low-cost baseload power. Therefore, the alternative power generating technologies were not considered reasonable alternatives and were not carried forward for detailed evaluation.
- I45-6 With respect to an IGCC coal plant as an alternative to the proposed project, Section 2.5.1.4.3 of the DEIS and this FEIS describes why this alternative generation technology was not carried forward as a detailed alternative, including that it is not a commercially proven, reliable technology. In connection with preparation of this FEIS, Appendix H, *Alternative Coal Fired Generation Technologies*, which includes a through discussion of IGCC, has been added to this FEIS, and this FEIS discussion of IGCC has been revised and supplemented accordingly. The conclusion remains that IGCC does not justify detailed consideration as an alternative to the proposed project based on commercial, technical, and cost considerations. It is neither a reasonable alternative nor capable of meeting project purpose and need.

don't wish to do the right thing. They wouldn't even be in the coal business if they were. Lying is still lying, even if it is just a lie of omission. Remember the oath; "the truth, the *whole* truth, and nothing but the truth." If they printed the whole truth, we'd find somebody else to build our power generation.

145-7 | 15. Part of the whole truth is that there are other, less polluting fuels they could burn. Natural gas and biomass could be co-fired with coal to substantially reduce emissions. Was that mentioned in the draft Environmental Impact Statement? I couldn't find it.

16. Another part of the whole truth that seems to be missing; is the option of doing nothing. If this coal-fired power plant doesn't get built, most likely the world will not come to an end. But if enough coal-fired power plants do get built, maybe our Earth's environment will collapse. Our civilization literally could come to an end!

145-8 | 17. Where are the customers? If the Sierra Pacific coal-fired power plant gets built, White Pine Energy Station will have no customers. If Nevada joins the other Western States, and commits to a 20% reduction of Carbon Dioxide emissions by 2020, WPES may have no customers for hundreds of miles. Oh, excuse me, they already don't have customers for hundreds of miles.

18. In the real world; the polar ice caps have already begun to melt. Just check out the picture of a river of melt-water in Greenland on the cover of June's National Geographic Magazine (see "National Geographic" cover photo). If this melting continues, just on Greenland, sea level will rise 10 feet. Trillions of dollars in damage could result, millions of people could die, and many thousands of species could go extinct. Why? Why would our society want to take that kind of risk? We all know that White Pine Energy Associates Limited Liability Corporation won't cover the costs.

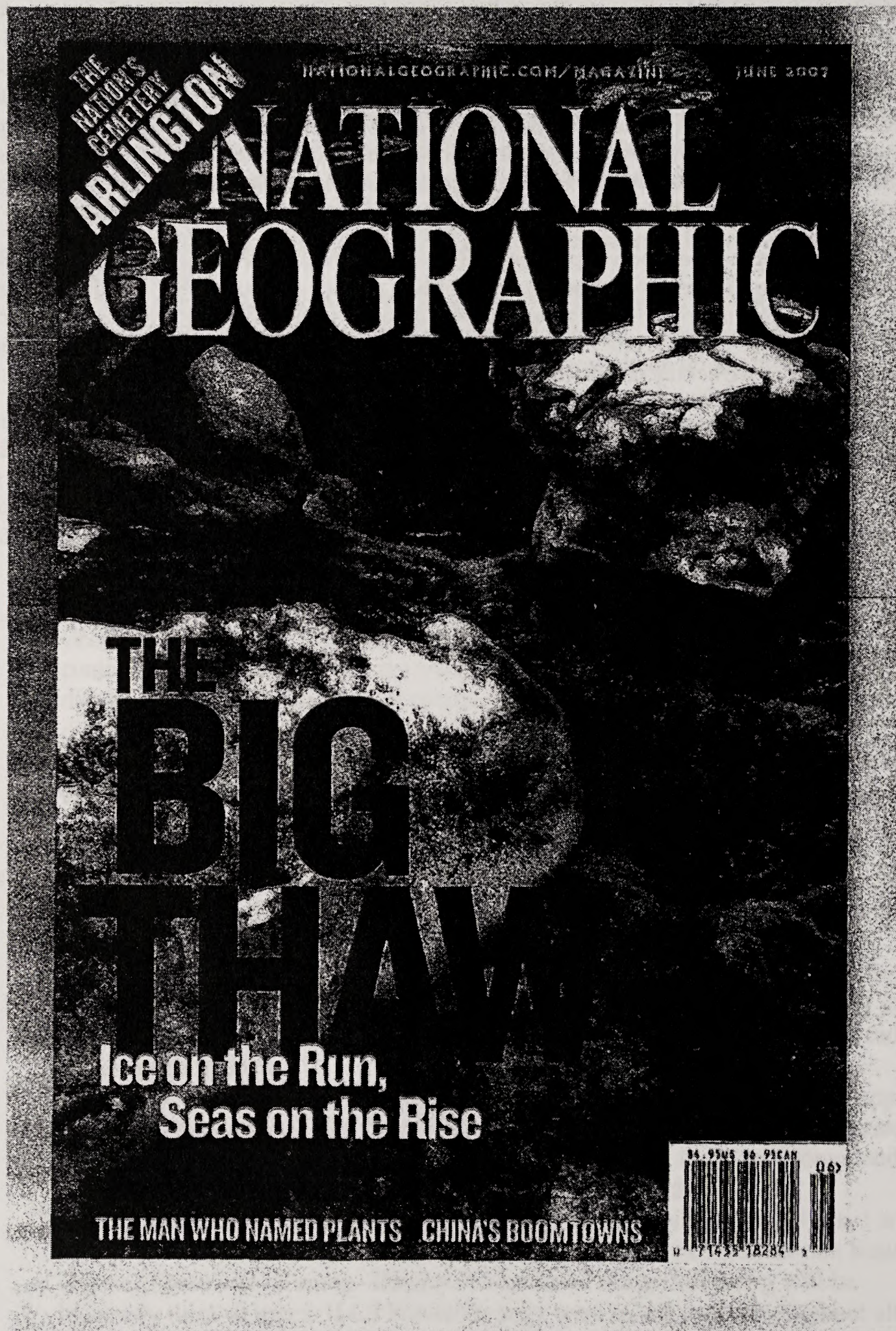
145-9 | 19. What about right here in Steptoe Valley? The toxic waste dump our coal-fired power plant will leave us (as a gift to keep forever), won't have a liner. Even if it did have a liner, there is no such thing as a perfect container. Flooding and runoff could wash some of those toxic chemicals into the ground, into Duck Creek, and even into Goshute Lake.

20. If water runoff takes toxic chemicals into the groundwater, a significant portion of Steptoe Valley groundwater could be contaminated. In truth however, this is just a matter of time. To future generations, it won't matter that all of us may be dead by the time this happens.

21. This is just so wrong. And if the Department of the Interior allows this to happen, they are setting a precedent. From now on, any time some big corporation wants some land, all they'll have to do is go to the BLM and say they want some land. Why should they get free land just because they can afford to buy it.

22. When I look out at Steptoe Valley, when I visit Great Basin National Park, I am always awed by the natural beauty. It is really going to suck when all that beauty is gone. There will be smog. There will be a lot of smog. The smog will be hideously thick at times. If LS Power/Dynegy were to tell us the truth about all

- I45-7** Co-firing of biomass was evaluated in Section 2.5.1.2.1, *Biomass*, of the DEIS and this FEIS, which notes that biomass cofiring does not appear to be favorable based on the distance to sources of biomass fuel and costs. Additionally, it is not clear that co-firing biomass would create reduced emissions of regulated pollutants. Regarding natural gas, the most efficient and cost-effective way to utilize natural gas for power generation is natural gas combined cycle, which is evaluated in Section 2.5.1.4.1, *Natural Gas Combined Cycle*, and determined not to be viable based on cost. Additionally, natural gas is not available locally, so hundreds of miles of natural gas pipeline would have to be constructed (including high-emitting compressor stations). Such natural gas pipelines would further increase the cost and environmental impact associated with natural gas. Based on the facts above, neither biomass and/or natural gas, either alone or in a co-firing scenario, is considered a reasonable alternative. Further, see the response to Comment G1-28.
- I45-8** WPEA is an independent power producer (IPP). Power from the White Pine Energy Station would be sold on a wholesale basis to utilities, municipalities, and/or cooperatives. The Station is proposed in response to a documented need for new baseload power generating capacity in the western United States. Customers of the White Pine Energy Station are expected to be identified after the necessary approvals to construct the facility are obtained. Also, see the responses to Comments F1-1 and G6-1.
- I45-9** The solid waste disposal facility would be equipped with a synthetic liner and would be limited to storing non-hazardous solid waste only. Stormwater falling on active cells of the solid waste disposal facility would be piped to a double-lined evaporation pond and would not be discharged from the facility. Refer to Sections 2.2.3.1.3, *Solid Waste Disposal*, and 2.2.3.1.4, *Evaporation Pond*, of this FEIS and to the response to comment G2-27 for additional information on the solid waste disposal facility and the evaporation pond.



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the smog, nobody here would approve... nobody. This Limited Liability Corporation just hopes we don't realize how bad things will be until it's too late to stop it.

23. Low visibility, however will likely be the least of our worries. Global warming is already effecting our weather, our environment, and our power bills. Maybe the greedy management at LS Power/Dynegy just figure that if temperatures go up, they'll just sell more power. Well... maybe not. Maybe they plan on someday installing carbon sequestration. Yeah, right. Only if the alternative is jail time.

145-10 | 24. Not only will habitat be destroyed by the construction of the plant, habitat will be destroyed downwind of the smokestacks. Not only will wildlife die because of loss of habitat, wildlife will die because of poisoning. Not only will wildlife die because of pollution in their bodies, wildlife will die because of pollution in their ecosystem. Not only will wildlife die because of a chemical imbalance in their ecosystem (and the Earth's ecosystem), wildlife will die because of an imbalance in our planet's atmosphere. Where in the draft Environmental Impact Statement is a complete assessment of the devastation that is extremely likely to happen? Nowhere.

145-11 | 25. I noticed something just recently. People are moving away – and no one new is moving into town. That was never mentioned in the DEIS. In fact, the possibility that a significant portion of the population might be so unhappy as to move away, leaving no one except the power plant employees in White Pine County was something like an impossibility, if you read the DEIS. That's how the DEIS reads. They infer that the population is only going to go up. Well, we've already stopped growing. And it looks like the biggest potential taxpayers are getting prepared to leave. There may come a day when the only people in town work at the prison, the power plant, the railroad, and the toxic waste dumps that will inevitably come once the rail line gets built. Sounds like a wonderful place to live... not.

26. What about our taxes. They're sure to go up. Somebody will have to pay for the infrastructure and services for all those new construction employees. White Pine Energy "Associates" won't be. They hardly made any commitment whatsoever in the DEIS – other than to pay taxes (to stay out of jail). But, the taxes won't really kick in until the plant is built. Before then, we raise our own taxes, or we do without.

27. Just as WEPA thought they might get away with belching tons of carbon dioxide into the atmosphere, the Supreme Court goes and requires the EPA to do its job and regulate CO₂. I guess WPEA will need to add a little fluff into the DEIS to claim that they give a damn.

28. I really don't believe that White Pine Energy "Associates" cares about the toxic chemicals they will emit. Of the 70 dangerous chemicals listed on a table in the DEIS, they only bothered to even talk about 5. The rest, well...

145-12 | 29. And if LS Power/Dynegy aren't even willing to talk about the effects of all these dangerous chemicals, I couldn't find anything in this document that even

- I45-10** A definition for the National Ambient Air Quality Standards (NAAQS) has been included in Section 3.6.1.1, *Background Data*, of this FEIS and is summarized in the response to Comment G7-2. Based on these standards and the analyses conducted in Section 4.6.1.3.5, *Class II Area Dispersion Modeling Results*) and the revised Section 4.19.3.6.1, *Air Quality*, of this FEIS, which apply to all ambient air, cumulative impacts resulting from all the projects are not expected to exceed the NAAQS. Therefore, the health and welfare of all residents, plants, and animals is expected to be safe. For additional information, refer to Appendix L, *Cumulative Analysis for Air Quality*, of this FEIS.

Additionally, a cumulative analysis was conducted and has been included in Section 4.19.3.6.1.1, *Air Quality*, of this FEIS. The full range of the project's impacts to species has been analyzed and is presented in this FEIS. The White Pine Energy Station would not be expected to create any discernable negative impacts to species resulting from greenhouse gas emissions, mercury emissions, or sulfur and nitrogen deposition. Additional information has been included in this FEIS in Appendix L regarding mercury emissions, sulfur, and nitrogen deposition.

- I45-11** The best available data on projected population levels in White Pine County used in the DEIS analysis and in this FEIS were provided by the Nevada State Demographer's Office, and are summarized in Table 3.17-2. While these data show a projected decline in the county's population over the next couple of decades, Section 3.17 of the DEIS and this FEIS also notes that the population may actually increase over time given the fact that new employment opportunities will be available from the recently proposed economic development projects in White Pine County and the recent trend of retirees moving to White Pine County from Las Vegas and other areas.

- I45-12** Potential effects directly or indirectly related to public health resulting from the Proposed Action and Alternative 1 are addressed in various sections of the DEIS and this FEIS, including Section 4.3, *Surface Water Resources*, Section 4.4, *Ground Water Resources*, Section 4.6, *Air Quality and Noise*, Section 4.12, *Wastes, Hazardous and Solid*, and Section 4.14, *Environmental Justice*. All of the resource areas analyzed in Sections 4.2 through 4.18 of this FEIS are analyzed in Section 4.19, *Cumulative Impacts*, of this FEIS, including solid and hazardous wastes. If no cumulative impacts are anticipated for a particular resource, the rationale for that conclusion is explained in the cumulative impacts analysis for that resource rather than dismissing that resource from further discussion earlier in the cumulative impacts section, as was done in the DEIS.

For example the emission and storage of chemicals, federal, state, and local laws and regulations governing air quality, water quality, and the storage of hazardous and solid wastes are designed to protect human and biological health. State of Nevada permitted air quality emissions that must be attained to allow project operation are below thresholds that would result in adverse impacts to humans, domestic animals, and wildlife. Similarly, storage requirements for ponded water and hazardous and solid wastes are designed to prevent the release of foreign materials and thus maintain conditions below thresholds that would result in adverse impacts to human and biological health. For these reasons, no diseases in humans or animals or public health threats are expected to result from the construction and operation of the White Pine Energy Station.

I45-12
(cont.)

- ↑ mentioned the cumulative effects. Since WEPA didn't, allow me to give you a rough idea. Everyone will be a little less healthy. Some people will come down with chronic illnesses. Some people will die young. Some young people will have learning disabilities. Some people may go crazy. And LS Power/Dynegy have "protected" themselves financially from this devastation by seeing to it that their Limited Liability Corporation can only be sued for so much.
30. Oh, by the way. Whatever cumulative effects happen to people, the effects will be far worse for wildlife. Wildlife can't drink bottled water. Wildlife can't go indoors and filter their air. Wildlife can't go to the doctor. And wildlife can't move away if it gets too filthy.
31. White Pine Energy Associates LLC/LS Power/Dynegy's apparent position on all this; too bad — as long as they make their profits. I would love to be proved wrong on this one. There still is time.
32. I'm not a religious man myself. (I prefer not to have an opinion on such a profound subject.) But I do admire Jesus. He had the nerve to stand up against oppression and greed, knowing that he might be tortured and killed. In my own way, I see standing up against the oppression of rural areas and the greed of the coal industry as something Jesus might have done. I do sometimes wonder if the Christians have figured it out. Maybe there is an afterlife. Maybe there is a heaven that, if we get it right here, we might go to. One thing I would figure is that; if there is a heaven, and we make a mess of things here on Earth, we won't be welcome there. Another possibility is that Heaven and Hell are abstractions of our concepts of our options for the future. With planning and effort, we can create a little bit of Heaven in our own future. With the wrong kind planning and effort, our future could be a living Hell.

It's not my job, man.

It's not my jurisdiction.

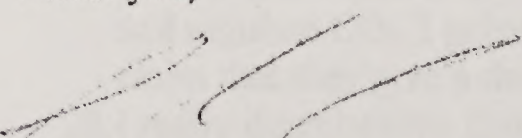
It's not my job to stop this coal-fired power plant.

It's my job to give it an OK.

Turns out, nobody has the job of saying no.

Don't you think that's the way they planned it?

Thank you,



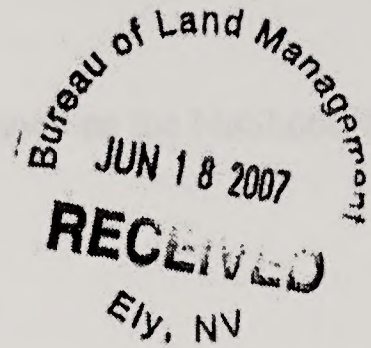
Richard A. Spilsbury
PO Box 1055
McGill, NV 89318
775-235-7557

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

This statement will also be published on the NoShootFoot blog.

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

Delaine Spillsbury
PO Box 1055
McGill, NV 89318
Phone/Fax 775-235-7557



June 3, 2007

TO: BLM, Ely Field Office
HC 33, Box 33500
Ely, NV 89301

REF: White Pine Energy Associates (WEPA) LLC – DEIS

Tremendous amounts of carbon dioxide will be emitted into what is now pristine Nevada blue skies. Neither WEPA nor Nevada Environmental Pollution Agency (NEPA) has addressed Carbon Dioxide emissions. Consequently no plans have been made to sequester those greenhouse gas emissions.

The importance and negative effects of greenhouse gas emissions and extreme weather change are of great concern worldwide. The Nevada State legislature recently passed AB 422 to monitor those emissions statewide. California imposed new rules that forbid both public & private utilities from signing new contracts with coal-fired power plants.

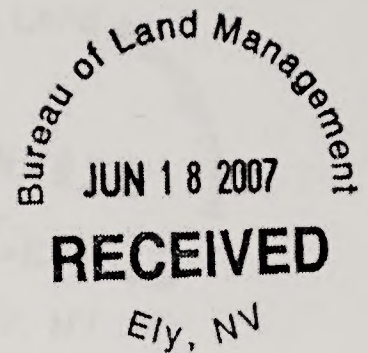
Instead of approving these extremely harmful projects on public lands, the Dept. of the Interior/BLM should be joining the Western States Coalition to protect our "stewardship" lands.

Thank You,

A handwritten signature in cursive script that reads "Delaine Spillsbury".

No comments on the White Pine Energy Station DEIS were delineated the letter shown on the facing page.

Delaine Spilsbury
PO Box 1055
McGill, NV 89318
Phone/Fax 775-235-7557



June 3, 2007

TO: BLM, Ely Field Office
HC33 Box 33500
Ely, NV 89301

REF: White Pine Energy Associates (WEPA) LLC – DEIS

The DEIS referred to above, shows that infrastructure costs related to the construction of the White Pine Energy Station will not be funded by WEPA, but by White Pine County (WPC). Because the County is bankrupt, that funding will surely come from WPC property owners & taxpayers.

Page 4-234 states that WPC will be required to provide services before WEPA taxes will be available. This will require WPC property taxpayers to foot the bill during construction, when most of the population influx will occur.

Page 4-235 shows no commitment to Ely/McGill law enforcement.

Page 4-236 shows no commitment to WPC volunteer Emergency services.

Page 4-237 omits any financial assistance to the WPC School District

Page 3-205 shows no commitment to road maintenance.

Page 4-240 states that an increase in WPC tax revenues would in likelihood result in the loss of the WPC "guaranteed" tax status. This will result in WPC tax revenues being **exported** to other Nevada counties.

Page 4-228 states that only about 40 construction jobs will be filled by White Pine County (WPC) residents. It also states that most of the labor income is expected to be transferred out of WPC.

In effect WPC taxpayers will be contributing greatly to WEPA profits. My contribution will definitely not be voluntary. Will yours?

Thank you,

A handwritten signature in cursive script, reading "Delaine Spilsbury".

147-1

Page 4-235 of the DEIS in the discussion of *Law Enforcement* describes commitments by WPEA to support law enforcement resources and needs during Station construction and operation. Page 4-236 of the DEIS in the discussion of *Fire Protection and Other Emergency Services* describes commitments by WPEA to provide emergency services that would otherwise be provided by White Pine County volunteers. Page 4-237 of the DEIS in the discussion of *Education and Schools* states that sufficient capacity is expected to be available in the White Pine County School District to accommodate the potential Station-related increase in enrollment. Road maintenance commitments are described on page 4-238 of the DEIS in the discussion of *Road Maintenance*, which states that White Pine County and WPEA would monitor the condition of the County roads affected by the Station and work together to develop and implement appropriate mitigation if needed. In addition to the above commitments, Section 4.20.1, *Mitigation Measures Committed to by WPEA*, of the FEIS states WPEA has committed to working closely with White Pine County to monitor socioeconomic impacts during the Station's construction and operation phases. If the socioeconomic effects are greater than currently expected and problematic, appropriate mitigation beyond that described in the FEIS will be developed and implemented by the County and WPEA as warranted.

Delaine Spilsbury
PO Box 1055
McGill, NV 89318
Phone/Fax 775-235-7557



June 3, 2007

TO: BLM, Ely Field Office
HC33 Box 33500
Ely, NV 89301

REF: White Pine Energy Associates (WEPA) LLC - DEIS

I am opposed to the proposed LS Power planned coal-fired power plant, White Pine Energy Center in its entirety.

I48-1

LS Power refers to the future facility as a "state of the art" clean burning facility. However, coal gasification is not considered, but dismissed as a procedure of the future. This is not so. There are two successfully functioning plants in the US at this date and others are planned.

Emissions from existing coal-fired power generating plants have been proven to cause an unreasonable number of illnesses and deaths. Cancer, heart attack, asthma and other respiratory and pulmonary problems are attributed to coal burning emissions.

White Pine County shouldn't be forced to accept waste and emissions resulting from burning 4 million tons of coal per year. Calculations show that the pollution will be greater than that of the Kennecott era.

Thank you,

A handwritten signature in cursive script that reads "Delaine Spilsbury".

I48-1 With respect to an IGCC coal plant as an alternative to the proposed project, Section 2.5.1.4.3 of the DEIS and this FEIS describes why this alternative generation technology was not carried forward as a detailed alternative, including that it is not a commercially proven, reliable technology. See the response to Comment I45-6 and Comment G1-28 for further discussion.

Delaine Spilsbury
PO Box 1055
McGill, NV 89318
Phone/Fax 775-235-7557



June 17, 2007

BLM Ely Field Office
Jeffrey A Weeks
HC33 Box 33500
Ely, NV 89301

REF: White Pine Energy Associates (WEPA) LLC – DEIS

The construction of this Power project including the Rail Line to serve it will be very destructive to the healthy herds of wildlife that now inhabit the **public land** that the BLM intends to turn over to this **private profit** project.

Following are statements quoted directly from the LS Power (WEPA) Draft Environmental Impact Statement.

Page 4-50 "The Proposed action would permanently eliminate a total of 1,516 acres of wildlife habitat" "temporarily disturb an additional 395 acres" " Sagebrush and Mixed Shrubland habitat" "numerous wildlife species that utilize these habitats, such neotropical migratory birds, sage grouse, small mammals and reptiles".

Page 4-57 states "The proposed Action rail spur would cross and directly affect 1.3 miles of pronghorn range." "this area was not mapped as habitat for mule deer". It doesn't even address the huge winter Elk herds. "This could affect dispersion and migration of mammal, amphibian and reptile species". Still addressing wildlife, the statement continues, "the disturbance could lead to increased energy expenditure, exposure to predation, reduced productivity, and increased risk of mortality from collision with the train." The train will be running 24/7.

Page 4-58 "could result in a continual risk for increased spread of noxious/invasive weeds that could reduce native grass & forb species that wildlife require for foraging and cover requirements." "could lead to localized degradation of wildlife habitat" "in Duck Creek and the numerous drainages affected". "increase the potential contamination of Duck Creek from accidental spills". Continuing "The 75 acre surface area evaporation pond" " has the potential to become a threat to avifauna as well as terrestrial wildlife"

Also on page 4-58 "Long-term ground water pumping is predicted to potentially reduce flow in 12 perennial springs in Steptoe Valley." "Operation of the rail spur could increase the risk of water quality impacts in Duck Creek."

A handwritten signature in cursive script, appearing to read "Delaine Spilsbury".

No comments on the White Pine Energy Station DEIS were delineated for the letter shown on the facing page.

White Pine Energy Station Project Draft Environmental Impact Statement

4-228

Comment Form

We would appreciate your comments on the Draft Environmental Impact Statement for the White Pine Energy Station Project. Please use this form (attach additional pages if required). You may either return it before you leave this public meeting or mail to the address at the bottom of the form. The comment period ends on June 19, 2007. Thank you for participating.

4.17.6 states that 40 only construction jobs would be filled by WPCo Residents

also, most of the labor income earned by non-legal workers is expected to be transferred out-of-county

Also, an increase in WPCo revenues will result in WPCo no longer being a "guaranteed tax" county. This will allow WPCo tax revenues to be distributed to other Nevada counties where are the advantages for W P Co.

Date:

05/08/08

Signature:

Delaine Spitsbury

Name (printed):

Delaine Spitsbury

Address:

P O Box 1055

McGill NV 89318

Please submit to:

Bureau of Land Management
Ely Field Office
Jeffrey A. Weeks
HC 33, Box 33500
Ely NV 89301-9408

ELY

No comments on the White Pine Energy Station DEIS were delineated for the letter shown on the facing page.

Comments Form

The purpose of this form is to provide a means for the public to submit comments on the proposed project. Comments should be submitted in writing and should be submitted to the project manager. Comments should be submitted by the deadline date. Comments should be submitted in writing and should be submitted to the project manager. Comments should be submitted by the deadline date.

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White Pine Energy Station Project Draft Environmental Impact Statement

Comment Form

We would appreciate your comments on the Draft Environmental Impact Statement for the White Pine Energy Station Project. Please use this form (attach additional pages if required). You may either return it before you leave this public meeting or mail to the address at the bottom of the form. The comment period ends on June 19, 2007. Thank you for participating.

I51-1

I would like to see comment on the practices and BMP on maintaining Monte Neva Road to State 93 during construction of the project including dust control measures, assuming this is the route for transportation of aggregate materials.

Date:

5-8-07

Signature:

Kenneth Stafford

Name (printed):

Kenneth Stafford

Address:

P.O. Box 150313

Ely, NV 89315

Please submit to:

Bureau of Land Management
Ely Field Office
Jeffrey A. Weeks
HC 33, Box 33500
Ely NV 89301-9408

151-1 WPEA has expressed a commitment to working with White Pine County to address any impacts to County roads that may be utilized during the construction phase, including the Monte Neva Road. WPEA has indicated it will work with the County to ensure that the road is maintained, and dust control and speed limit enforcement measures are implemented.

Delta plant approved in 1980's.
Newer technologies Now.

White Pine Energy Station Project Draft Environmental Impact Statement

Comment Form

We would appreciate your comments on the Draft Environmental Impact Statement for the White Pine Energy Station Project. Please use this form (attach additional pages if required). You may either return it before you leave this public meeting or mail to the address at the bottom of the form. The comment period ends on June 19, 2007. Thank you for participating.

I52-1

How many local people will
be employed?
Important in building
operating
permanently?

I52-2

I am aware of strict EPA laws re
scrubbers for outstanding air
quality. If that if standards are
not met @ can they
be shut down?
Do you know cattle can emit methane?
So can other animals.

Date:

5-8-07

Signature:

Nancy M Swallow

Name (printed):

Nancy M Swallow

Address:

618 Quetman St.
Ely, NV 89301

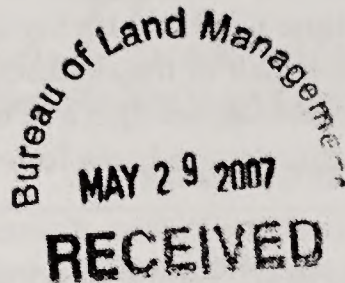
Please submit
to:

Bureau of Land Management
Ely Field Office
Jeffrey A. Weeks
HC 33, Box 33500
Ely NV 89301-9408

People more likely to approve if
feel benefits will be
shared with locals.

ELY

- I52-1** The project is expected to temporarily employ a peak work force of up to 1,200 workers (averaging about 760 workers annually) during the construction phase, and a permanent work force of approximately 135 full-time and part-time workers during its operational phase. On average, about 40 of the construction workers and about half of the operations workers would come from the local work force. Section 4.17.1.1.1, *Construction-Related Effects (Population)* and Section 4.17.1.1.2, *Operations-Related Effects (Population)* discuss the basis for estimating how many workers would come from the local work force.
- I52-2** In general terms, it is the responsibility of the NDEP to regulate the White Pine Energy Station through the air quality permitting process. Typically, regulated facilities such as the proposed Station are subject to monitoring, recordkeeping, and reporting requirements that would be designed to ensure that the permit conditions are being met.



9 Gramercy Park
New York, NY, 10003-4742
May 21, 2007

Re: Rejet the proposed ^{Ely, NV} Ely Energy Center

Dear Ms. Metcalf,

As a concerned American, I strongly oppose the current proposal for the Ely Energy Center in Nevada and I urge you to cancel it. This project would cost billions of dollars and result in a giant power plant using outdated technologies that cause air pollution; serious health problems like mercury poisoning, asthma attacks and heart disease; water contamination; and more global warming.

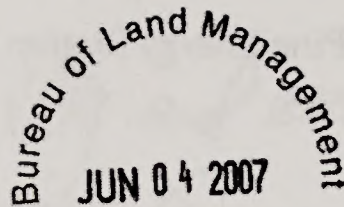
(over)

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

The potential health and environmental harms from the proposed Ely Energy Center are enormous. The BLM should reject this proposal. Thank you.

Most sincerely,
George Triano Sr.

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.



RECEIVED

June 7, 2007

To: Jeffery Weeks

From: Stuart Twitcher

Ely, NV

Subject: White Pine Energy Station DEIS

Comments:

I54-1

1. Before any ground is broken or fencing is started Moriah Ranches Seeding Project needs to be completed.

I54-2

a. Aums are lost for both livestock and wildlife once the project is started.

b. Water levels of the underground wells must be monitored to allow no negative impact on existing underground water table.

I54-3

2. Because of existing increase in traffic native Vegetation will be adversely affected. Non-native weeds and traffic must be controlled to allow minimal effect on environment.

I54-4

3. The Vegetation enhancement should match the footprint of The plant.

a. Plant Footprint is 1281 acres enhancement project should also be at least 1281 acres.

b. Actually because of the roads to and from the project and other disturbances at least 5,000 acres should be

enhanced for wildlife and grazing.
Stuart Twitcher

- I54-1 As described in revised Section 2.2.6, *Enhancement Measures*, of this FEIS, the Moriah Ranches Seeding project would be undertaken simultaneously with the start of construction on the White Pine Energy Station power plant.
- I54-2 The DEIS and this FEIS assess potential ground water level declines in the vicinity of existing permitted wells in Section 4.4.1.4 for the Proposed Action and Section 4.4.3.4 for Alternative 1. See the response to Comment I20-3 for a discussion of these effects. Appendix G, *Ground Water Monitoring Program*, in this FEIS outlines the components of the proposed ground water monitoring and mitigation program (subject to approval by the Nevada State Engineer) that would be implemented under either the Proposed Action or Alternative 1. The ground water monitoring program includes potential corrective or mitigative actions that WPEA is committed to follow in the event there are anticipated impacts to ground water resources and existing water users resulting from WPEA activities. See the responses to Comments G1-6 and I20-3 for further discussion of this program.
- I54-3 For purposes of the DEIS and this FEIS, a protocol was agreed to by the BLM to obtain sufficient information to assess the risk of further spread of noxious weeds in the project area. The project area was walked in 2005 to record vegetation community information and general presence of noxious weeds within the proposed ROWs. Section 3.5.2, *Noxious and Invasive Weeds*, of the DEIS and this FEIS presents survey results, while Section 4.5.2 discusses potential weed-related effects associated with the proposed Station. Additional information on noxious weeds is presented in the Risk Assessment for Noxious/Invasive Weeds contained in Appendix C, *Biological Resources Supplemental Information*, of the DEIS and this FEIS (Appendix J). Prior to construction, noxious and invasive weeds will be mapped in order to document all populations within the project area prior to disturbance. BMPs for preventing or minimizing the spread of noxious and invasive weeds in the project area are contained in Appendix C, *Best Management Practices*, under the heading *Noxious and Invasive Weed Management*.
- I54-4 Although the acreage of the Moriah Ranches Seeding Project would be less than the acreage of the project site, the Animal Unit Months (AUMs) created by the Seeding Project (at least 200 AUMs) would be more than the AUMs lost (32 to 58 AUMs for the Proposed Action, 28 to 53 AUMs for Alternative 1) on the power plant site. As a result, there would be a net improvement in the available grazing for the permit holder.

Jonathan R. Wall
Anne H. Wall
HC 33, Box 33600
Ely, NV 89301
775-296-1180
E-mail: ahwjr@starband.net



June 12, 2007

Ms. Doris Metcalf
Bureau of Land Management
ATT: Final White Pine Energy Station Scoping Comments
HC 33, Box 33500
Ely, NV 89301-9408

RE: White Pine Energy Station
and our property located at T.22.R64 East, Section 36 North½ South½

Dear Ms. Metcalf:

Our family (two adults, four school-age children) lives on Town Road No. 20, also known as Whiteman Creek Road. We spent two years locating this secluded property, seeking quiet, clean air, and no artificial lighting to obscure the night sky. We have resided here since 1998 and are organic farmers, cultivating land from 6650' to 6950' in elevation. We also raise brook trout and rainbow trout in our numerous ponds. We include a copy of our surface water sample for reference.

We attended all public meetings regarding the White Pine Energy Station, surveyed the displays, and talked with the power company representatives. Following is an enumeration of some of our concerns and comments regarding the proposed primary site of the project.

- | | | |
|-------|--|--|
| I55-1 | | 1. Site lighting – We request all exterior lighting to be sharp cutoff. |
| I55-2 | | 2. Wind and Air Flow – The wind in our canyon blows west-to-east approximately 320 days/year, south-to-north about 30 days/year, and north-to-south around 15 days/year. This pattern of wind flow means that the exhaust plume from the proposed power plant will be blowing into our ranch. We have repeatedly inquired as to the elevation above sea level of the stacks. |
| I55-3 | | 3. Noise – We request all blowoffs be done mid-day. |

- I55-1** In order to ensure the safe and secure operation of the Station power plant at night, a certain amount of outdoor lighting would be required. A list of BMPs for addressing Visual Resource concerns can be found in Appendix C, page C-9 of this FEIS. Item 4 of this section notes the measures that will be implemented to minimize any effect on dark night skies. Some methods mentioned in the BMPs to minimize the effects include limiting outdoor lighting to areas required for operations, maintenance, safety, and security. Also, lighting techniques will include using directional lights that do not allow lights to shine into the sky, screening lights, using timers and motion detectors so that lights are only on when necessary, and designing a lighting system that minimizes lighting to only meet functional requirements.
- I55-2** The base elevation of the project area is approximately 6,000 feet above mean sea level. In Chapter 2 of the DEIS, Page 2-8, *Pulverized Coal-Fired Boiler Stack(s)*, the text states "Each stack is expected to be approximately 600 feet tall." Therefore, the stack tips would be approximately 6,600 feet above mean sea level.
- I55-3** As discussed in Section 4.6.2.1.1, *Impacts*, of this FEIS, near the end of power plant construction, it would be necessary to conduct "steam blowouts" to clean the steam piping. This would generate noise and would occur for a few minutes during each blowout for the first few weeks of boiler operation. Approximately 30 to 50 total "blows" are required for a typical power plant before the boiler is operated. The typical noise level for each boiler steam blowout would be 74 dBA at 3 miles from the power plant, compared to ambient background levels of 45 to 50 dBA.

To avoid the need to heat and cool the boiler(s) during blowout cycles, steam blowouts may occur during both the daytime and nighttime.

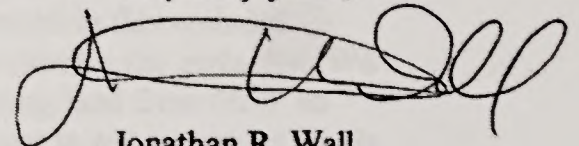
Comment Letter I55

Ms. Doris Metcalf
June 12, 2007
Page 2

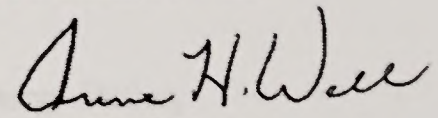
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|-------|----|--|
| I55-4 | 4. | Sage Grouse Leks – What effect will the plant have on the two sage grouse leks located on BLM land immediately west of our property and east of the plant? |
| I55-5 | 5. | 90-day Stockpile of Coal – How is the pile going to be protected from dispersion by the winds? from lightning strikes and resulting fires? |
| I55-6 | 6. | Terrorism – How will the plant be secured? |

We appreciate the opportunity to express our concerns and pose our questions regarding the environmental impact of the project.

Very truly yours,



Jonathan R. Wall



Anne H. Wall

I55-4 The leks located in proximity to the Wall property are approximately 0.5 mile or greater from the existing distribution line on the east side of U.S. Highway 93. Because of the presence of an existing line in the ROW, the White Pine Energy Station is not expected to result in adverse effects to these leks. Station construction would occur outside of the lek season in order to minimize noise disturbance to these crucial habitats.

I55-5 Wind erosion of the inactive coal piles would be minimized by the use of surface sealants (crusting agents) in accordance with the Prevention of Significant Deterioration (PSD) air permit for the White Pine Energy Station.

Regarding fire protection, fire safety is a concern for coal mining, transportation, and end use. The Station would be equipped with a fire suppression system, including a diesel engine-driven emergency firewater pump that would ensure firefighting water is available even during instances when electric power is not available. Prior to commencing operations at the White Pine Energy Station, fire safety and fire suppression procedures consistent with the standard practices of the industry would be developed. Additionally, WPEA would coordinate with the applicable fire and emergency management agencies in preparing its fire suppression procedures.

I55-6 As described on pages 2-8 and 2-47 of the DEIS, security and safety facilities and personnel would actively monitor the Station power plant site. The power plant site would be fenced, and uniformed trained personnel would control access to the site. The security personnel would also patrol the site. All construction personnel would be issued identification badges that would be verified on entry and exit from the site. These and other preventative measures may be utilized to minimize the risk of terrorism or other safety threats.

SPECTRUM ENVIRONMENTAL
RESEARCH LABORATORIES, INC.
PO BOX 122
MONTPELIER, VT. 05601-0122

Report To: Summit Construction
Box 1437
Montpelier, VT 05601

Sampled By:
Date Received: 11-11-97
Date of Report: 12-16-97

These sample/s were analyzed according to "Standard Methods for Examination of Water and Wastewater., 18th Edition, APHA, AWWA, WPCF.

Sample #	Client Identification	Test Performed	Result mg/L
M392	Mtn Water State of Nevada sample was taken at 10:00am on 11-08-97	Hardness	230
		Sodium	12.1
		pH	7.62
		Copper	<0.020
		Chloride	1.0
		Iron	0.12
		Turbidity	8 ntu
		Manganese	<0.025
	Total and E. coli present	Total Coliform	Present
		Nitrate/Nitrite	0.13
		Color	40
		Calcium	53.30
		Magnesium	23.4
		Lead	<0.002
		Arsenic	<0.002
		Mercury	0.0010
		Cadmium	<0.01

**This sample DOES NOT MEET State Health Department microbiological standards for drinking water.

Approved By: Eileen Rudolph

DATE RECEIVED: 11/11/97

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

SPECTRUM ENVIRONMENTAL
RESEARCH LABORATORIES, INC.

BASIC ANALYSIS INTERPRETATION OF RESULT

TOTAL COLIFORM- Maximum contamination level (MCL) is any growth, denoted as "Present". Coliform bacteria are present in feces of all mammals, birds and in soil. Because of this coliform bacteria are used as indicators of sanitary quality of water or of a water's potability. When water testing indicates total and/or fecal contamination is present the water is considered unsafe for human consumption. If it must be used as drinking water, the water must be boiled for fifteen minutes. The presence of coliform bacteria especially fecal coliform is a strong indication that disease causing organisms such as cholera, infectious hepatitis, typhoid fever and dysentery could be present.

NITRATE- Maximum contamination level is 10 mg/L.

Health concerns related to the consumption of water containing elevated amounts of nitrate include methemoglobinemia (blue-baby disease), which occurs only in infants, and the formation of carcinogenic nitrosamines which can affect any age.

Any nitrogen producing source must be regarded as a potential source of nitrate. These include municipal and industrial wastewaters, dumps, animal feed lots, fertilizer plants, septic systems, and manured/fertilized agriculture land.

Treatment methods include anion exchange, distillation or reverse osmosis.

TURBIDITY- Maximum contamination level is 1.0 ntu

Turbidity is the measurement of the particulate and cloudiness of water that causes light beams to be bent or stopped. Solid particles such as dirt, oxidized iron and manganese, and/or organic matter are some causes of turbidity.

pH- Maximum level for water 6.5 - 8.5 standard units

pH is the hydrogen ion concentration and activity in water. The scale used to measure pH goes from 0 to 14 where 7.0 is neutral. Water is considered acidic if the pH is 6.99 to 0 with the sample becoming more acidic as the number decreases to zero. Water is considered basic with a pH above 7.0 with the sample becoming more basic as the numbers increase to 14. Plumbing fixtures can be attacked when water has high or low pH values. Green or blue green staining may indicate a low pH with the copper piping dissolving into the water.

COPPER- Maximum contamination level is 1.0 mg/L.

Copper is an irritant to the gastrointestinal tract and can be highly toxic, but the bad taste would usually stop people from consuming the water. Copper may occur naturally but not at dangerous levels. Instead, hazardous levels are caused by the corrosive action of water dissolving copper fittings and pipes.

Immediate removal of copper in water can be accomplished by flushing the water for one minute. Distillation devices can be used also.

IRON- Maximum contamination level is 0.3 mg/L.

Iron is not considered a health hazard, but many people find the metallic taste in iron objectionable. High concentration of iron can occur naturally in some underground water supplies or aquifers. Iron is found in aquifers in its reduced form which is soluble in water. Once brought to the surface, the iron begins to oxidize to iron oxide which is not soluble in water. Iron oxide is a solid reddish brown compound which may stain laundry, toilet bowl and other fixtures.

Removal of iron from water includes ion exchange methods such as water softening or green sand filter filtration and aeration or chlorination followed by filtration.

MANGANESE- Maximum contamination level is 0.05 mg/L.

Chemically manganese is very similar to iron and is also found in aquifers in a reduced soluble form which oxidizes to an insoluble form in the presence of oxygen. The staining from manganese is usually a brown grey. Manganese can cause objectionable odor and taste at concentrations over 0.05mg/L without being a health hazard.

Removal includes ion exchange methods such as water softening or green sand filtration and

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

HARDNESS- Maximum contamination is generally 150 mg/L.
soft 0-75 mg/L; moderate 76-150 mg/L, hard 151-250 mg/L,
very hard over 251 mg/L.

There are no known health risks associated with the consumption of hard water.

Hardness is caused by the concentration of calcium and magnesium ions in water. It is the calcium and magnesium that combine with soap to form scum. Other problems associated with hard water include gray staining of clothes, reduced lather of soaps, buildup of scales on electric elements and boilers, and accumulations of whitish-gray scale in containers used to boil water.

Water softeners, which replace calcium and magnesium molecules with sodium molecules can remove hardness from water.

CHLORIDE- Maximum contamination level is 250 mg/L

Chloride is found in a majority of wells in New England. High levels may indicate an increase of sodium ion which can be a health problem. High concentrations of chloride may be associated with the salting of roads in the winter. Other than a salty taste chloride alone does not directly cause health problems.

SODIUM - Maximum contamination level is 20 or 100 mg/L

People with diabetes or high blood pressure should restrict the intake of sodium, and it is recommended that they have a 20 mg/L or less concentration of sodium in their drinking water. It is also felt that all other individuals would benefit from drinking water with a concentration of 100 mg/L or less sodium. Sodium is found in most natural waters, but other sources include salt used for deicing roads, septic system and water softening units. Removal includes distillation units or reverse osmosis units.

COLOR- Maximum contamination level is 15 cpu

Color may be caused by organic material, precipitated iron or manganese or dissolved metals. Color is not a health hazard but can indicate other problem and aesthetic quality.

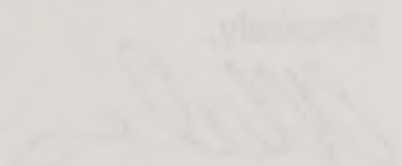
LEAD- Maximum contamination level is 0.015mg/L

Lead is a highly toxic metal that can cause serious health problems, especially for infants, children and pregnant women. Too much lead in the body can cause damage to the brain, kidneys, nervous system and red blood cells. Lead in drinking water comes from the corrosive action of water (especially soft water) on lead pipes and fitting, galvanized iron pipes, fittings, lead solder and brass or chrome fixtures.

Water treatment devices that can reduce the amount of lead in water include distillation units, reverse osmosis devices, activated alumina filter cartridges, and some activated carbon filters.

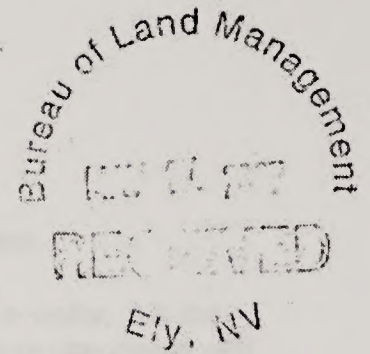
No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

I am writing to express my concern about the proposed White Pine Energy Station. The only way to ensure that the project is environmentally sound is to conduct a thorough review of the project's impact on the local environment. It is my hope that the project will be approved, but I am concerned that the project will have a negative impact on the local environment. I am writing to you to express my concern and to request that you take the necessary steps to ensure that the project is environmentally sound. I am writing to you to express my concern and to request that you take the necessary steps to ensure that the project is environmentally sound.

Sincerely,

John Williams
PO Box 1234
Tucson, AZ 85701

May 10, 2007

Assistant Field Manager for Nonrenewable Resources
BLM Ely Field Office
HC 33 Box 33500
Ely, NV 89301



Dear Field Manager:

I am writing to protest the White Pine Energy Station. Not only would this station adversely affect the air quality of Zion and Great Basin National Park, but it is the wrong technology. It uses pulverized coal instead of gasified coal which could be adapted to carbon sequestration when that process gets improved. Carbon emissions affect everyone in this state. Our water supply is in jeopardy due to global warming, with shorter, warmer winters reducing our snow pack and increasing the likelihood of drought. We should not allow any plants to be built which cannot be adapted to reduce carbon emissions. I believe this pulverized coal plant should be denied. Let the company come back with a plan for better, cleaner technology.

Sincerely,

A handwritten signature in dark ink, appearing to read "Arlene Williams". The signature is fluid and cursive, with a long, sweeping underline.

Arlene Williams
PO Box 1329
Sparks, NV 89432

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

Comment Letter I57

Printed for Doris Metcalf 106/19/2007



Bill and Holly Wilson
<hmw@ldsely.com>
06/19/2007 08:01 AM

To Doris_Metcalf@nv.blm.gov

cc

bcc

Subject Comments on draft EIS, W.P. Energy Station Project

Please accept the attached.

Thank you, Holly M. Wilson



WPEnergySta_Comments.doc

No comments on the White Pine Energy Station DEIS were delineated for the part of the letter shown on the facing page.

**Comments on Draft EIS for the
White Pine Energy Station Project**

Purpose and Need; Section 1.2.1

- 157-1 | Why doesn't the EIS analyze any alternatives "...to meet the demand for power resulting from population growth, business expansion, and other factors"?
- The need is not for electrical energy but mainly for heating, cooling, and lighting. These can be met through increased energy efficiency of new buildings, use of solar heating, and other user-targeted techniques.
- 157-2 |
- According to the quoted Executive Order 13212, we are supposed to "increase the production, transmission, or conservation of energy". Where is the proposed action and analysis for conservation?

Purpose; section 1.2.2

It is hard to believe that items 3 through 6 are necessary to supply electricity to the southwestern US. They may be important perks for White Pine County, but similar factors may also be available in downtown Las Vegas, Phoenix, and other growth areas.

Need and Background; section 1.2.3

p. 1-3; We fail to understand how the addition of another coal fired power plant to at least three others proposed in eastern Nevada will add to the Nevada State Office of Energy's objective to increase energy diversity. Nuclear, solar, wind, and geothermal come to mind as alternative power generating methods.

The long term County objectives for increased revenues as stated on p. 1-3 and 1-4 can simply be met by just donating money to the County without having to go through the cost of actually building the power plant.

Public Scoping; section 1.6

- 157-3 | Why is the only alternative to the proposed action a nearly identical type of setting just 12 miles away? That only received 10 scoping comments. Why are there no alternatives to address the concerns on the top of the problem list – air quality and water? These received over 40 comments, each.

Alternatives; Nuclear; section 2.5.1.3

- 157-4 ↓ A nuclear plant was on the radar of LA Power when they were first proposing a power plant in Steptoe Valley. Nuclear power has been gaining in popularity as the industry makes great strides in improving technology. "Sixty Minutes" recently portrayed the state of the art advances in France. The water needs and capacity for Steptoe Valley

- I57-1** See the response to Comment I45-5 and Section 1.2, *Purpose, Need, and Background*, of this FEIS documenting the need for reliable, low-cost, baseload electricity in Nevada and the western United States. Additionally, see the response to U.S. Environmental Protection Agency (EPA) Comment and F1-10.

As documented in Section 2.5.1, *Alternative Power Generating Technologies*, of this FEIS and further discussed in the response to Comment G1-28, alternative energy sources do not satisfy the purpose and need for the project. However, it should be noted that the proposed White Pine Energy Station would support transmission infrastructure for potential future renewable energy projects in northern Nevada.

- I57-2** This FEIS responds to a specific application for a right-of-way to construct and operate a 1,590-MW coal-fired power plant in Steptoe Valley to meet base-loads and to provide certain economic and fiscal benefits in White Pine County. The Purpose and Need statement relates to WPEA's specific project proposal. The BLM is obliged to assess that Proposed Action and alternatives including other generation technologies. That was done in the DEIS and in this FEIS in Section 2.5.1.

Conservation/energy efficiency also was considered as an alternative and is discussed in Section 2.5.2 of the DEIS and this FEIS. While important, conservation/energy efficiency cannot alone meet the purpose and need of the proposed project and cannot be considered as an alternative to the proposed project. Therefore, it was not carried forward for detailed evaluation. Also, it is noted in Section 1.2.3, *Need and Background*, of this FEIS that the electric power demands projected by the Energy Information Agency and Western Electricity Coordinating Council assume that a reasonable amount of achievable conservation/energy efficiency programs will occur and have factored them into projected power demands. See also the response to Comment G1-28.

- I57-3** The development of the range of alternatives is described in Chapter 2 of the DEIS and this FEIS. This analysis considered all comments from the public during scoping. A number of environmental issues such as air quality and water were raised during scoping and were assessed in depth for each alternative carried forward for detailed evaluation. Alternatives were developed around ways to meet the Purpose and Need of the project as well as incorporating ways to minimize impacts to environmental resources. One very important example of this is described in Section 2.5.5, *Alternative Cooling Technology*, of the DEIS and this FEIS where the projected annual water use of the proposed project was reduced from 25,000 acre-feet to 5,000 acre-feet in response to comments received during public scoping. Use of a hybrid cooling system rather than a wet cooling system as originally proposed resulted in a reduction of potential environmental effects under the revised power plant design because of fewer ground water wells, reduced effects on ground water levels and potentially springs, substantially reduced lengths of water pipelines and electric distribution lines, and thus substantially reduced ground surface disturbances.

Further description of nine categories of alternatives considered is presented in the DEIS and this FEIS in Section 2.5, *Alternatives Considered but Eliminated from Detailed Evaluation*. Results of the screening process that was used to evaluate and compare alternatives for various project features and components are discussed. Rationale is presented in this section explaining why certain alternatives were eliminated from further consideration and why other alternatives were carried forward for detailed evaluation in the DEIS and this FEIS.

- I57-4** Approximately 35,000 to 40,000 acre-feet of water per year would be required to operate a nuclear power plant of the same megawatt capacity as the proposed White Pine Energy Station. This is stated in Section 2.5.1.3, *Nuclear*, of this FEIS.

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157-4 (cont.) ↑ should be reviewed. How much water would it need? Obviously there is enough for 3 world class coal fired plants.

Air emission Sources; section 4.6.1.3.1.

Don't forget, here and in the cumulative impact section, the contributions by the 1,000 construction employees and support population. These would include vehicle emissions, construction of man camps, gravel pits, OHV recreational use, highway construction.....

157-5 | Air emissions should also be discussed in the connected action section with hauling coal from Wyoming and other operations of the Nevada Northern Railroad.

Greenhouse Gas Emissions; section 4.6.1.3.9

Just because an emission is not currently regulated under the Clean Air Act does not exempt it from analysis in this EIS. Carbon dioxide emissions are now recognized nationally and globally as the major contributor to global warming. California will not accept power from coal fired plants such as the White Pine Energy Station. Global warming results in the need for more electrical power to run air conditioners in the southwestern US. Where is the win here?

157-6 | The EIS needs to discuss the impacts of the carbon dioxide emissions instead of just comparing it to other bad emitters in table 4.6-31. If CO₂ emissions can not be mitigated, why aren't they discussed in section 4.20.5 under unavoidable adverse impacts? Why is there no discussion of carbon dioxide emissions in the cumulative impacts?

4.19.2 Cumulative Impacts

157-7 | The White Pine County Conservation, Recreation, and Development Act authorized the disposal of 40,000 acres of public land from BLM to other ownership. How would the development of the power plant (an anticipated recipient of some of these lands) affect the growth and development of Steptoe Valley and the County in general?

1.2 Purpose, Need, and Background

157-8 | The EIS should acknowledge that the Western Electricity Coordinating Council, cited as a data source, is an association of industry providers that may prejudice demand forecasts; the Energy Information Administration projections would seem to ignore global warming scientific studies in their forecasts of future energy fuels selection. (see graphs, e.g., at EIA website)

3.4.6. Summary of Ground Water Budget for Steptoe Valley

157-9 ↓ While this draft EIS states, "Under natural conditions, over time, the amount of ground water inflow or recharge to the Steptoe Valley basin-fill aquifers will be balanced by the

- I57-5** Predicted locomotive emissions from Wyoming's Powder River Basin to Shafter, Nevada have been included in Table 4.6-5 of this FEIS. The emissions have been updated to reflect the latest information and are discussed in Section 4.6.1.3.3, *Magnitude of Emissions During Operation*, of this FEIS.
- I57-6** Further analyses of climate change have been added to this FEIS. Section 3.6.2, *Climate Change*, has been added and includes a broad discussion of the currently observed impacts to resources associated with climate change. Section 4.6.2, *Climate Change*, has been added to this FEIS to describe projected future changes in climate, along with discussions of the various factors thought to influence climate. Section 4.19.3.6.2, *Climate Change*, has been added to discuss the potential incremental cumulative impacts of emission sources on climate change. Finally, Appendix M, *Understanding and Evaluating Climate Change*, has been added to this FEIS as a reference and as the source of the expanded EIS discussion. The potential cumulative impacts of all global carbon dioxide emissions are summarized in Section 4.19.3.6.2, *Climate Change*, and in Appendix M, *Understanding and Evaluating Climate Change*, of this FEIS.
- I57-7** Anticipated growth and development related to the construction and operation of the White Pine Energy Station is examined in detail in Section 4.17, *Socioeconomics*, of the DEIS and this FEIS. In summary, the study area is generally White Pine County with the understanding that some impacts would extend beyond the county. Overall, economic benefits are anticipated to include local income and job creation; generation of tax revenue; diversification of the local economy; and support of local community infrastructure. The Station is anticipated to cause a primarily short-term population growth and some long-term population growth, creating additional demand for public services and other community-based infrastructure. If 40,000 acres of BLM-administered land in White Pine County were sold by the BLM, an assumed full development might result in the entire 40,000 acres being developed for residential purposes. At a density of 1 to 3 dwelling units per gross acre, this would equate to 40,000 to 120,000 new dwelling units. A related population of 80,000 to 300,000 persons at 2 to 2.5 persons per dwelling unit might be realized.
- I57-8** A review of past demand forecasts versus actual demand shows that the Western Electricity Coordinating Council's (WECCs) forecasts have not overstated the future demand for electricity. As shown in WECCs most recent 10-Year Coordinated Plan Summary, for each year during the period 1997 through 2005, predicted demand matched actual demand within 10 percent, and the actual demand was higher than the predicted demand for 8 of the 9 years (WECC, "10 Year Coordinated Plan Summary," July 2006). Therefore, WECC demand forecasts are not considered biased toward higher demand.

The mandate of the Energy Information Administration (EIA) does not include evaluating scientific studies on climate change in their forecasts of future energy fuels selection. The EIA provides unbiased energy data, analysis, and forecasting to promote sound policy making, efficient energy markets, and public understanding about energy and its interaction with the economy and the environment. By law, EIA's products are prepared independently of Administration policy considerations. EIA neither formulates nor advocates any policy conclusions.

(<http://www.eia.doe.gov/neic/aboutEIA/quickfacts.html>) Therefore, forecasts published by the EIA take into account the effects of final legislation but do not directly consider scientific studies.

Consistent with the forecasts of WECC and EIA, utilities in Nevada, New Mexico, Colorado, Wyoming, Idaho, Utah, and Arizona have all indicated needs for new baseload power (see the responses to EPA comments in Letter F1 for additional details). Thus, based on the available information, a need for new baseload power exists in the western U.S., and is described in Section 1.2 of this FEIS. Also see the response to Comment F1-10.

I57-9 The DEIS and this FEIS present the most recent data available with respect to the water resources in Steptoe Valley. No specific literature on recent periods of drought in the southwestern United States that relates those climatic conditions to the availability of water to recharge the aquifer system in Steptoe Valley is known to exist. A fundamental conclusion of the water balance information presented in Table 3.4-7 of the DEIS and this FEIS is that the amount of ground water recharge to the aquifer system in Steptoe Valley exceeds the water demand for the Proposed Action (and Alternative 1), plus the most recent estimate of ground water pumping, by at least a factor of 5. The effects of climate change specifically on the availability of water to recharge to ground water in Steptoe Valley are unknown.

Cumulative impacts on ground water resources of additional power plants in Steptoe Valley are addressed in Section 4.19.4.2 of this FEIS. The only location within the Steptoe Valley Hydrographic Basin that has the potential for cumulative impacts to ground water resources would be the Ely Energy Center wellfield located near Lages Station that could cause an overlap between the zones of ground water drawdown for the White Pine Energy Station and the Ely Energy Center. The potential for cumulative ground water effects is summarized in the response to Comment I25-7.

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I57-9
(cont.)

amount of ground water discharge," it again fails to acknowledge the potential impacts of recent drought, increasing global warming over the facility's 40-year plant lifespan, plus the possibility of construction of additional power plants (hence, additional water demands). Many of the tables accompanying this section do not display current data.

4.0 Environmental Consequences

I57-10

We can find no clear description of what will happen to the plant site

a. after its projected lifespan

or

b. if the plant is all or partially-constructed but never goes into operation

Does the White Pine Energy Project remain a private land owner in Steptoe Valley? Do water rights revert back to White Pine County? Is the Project responsible for final site cleanup and other mitigation costs? Which agencies have oversight and enforcement of plant/site conformance to County, State, and Federal standards?

4.18 Transportation

I57-11

The EIS does not identify any potential conflicts with aviation in the Steptoe Valley, including glider traffic. There are none?

4.20.6 Visual Resources

I57-12

No mention of nighttime light pollution or disturbance of the clear skies so favorable to astronomical pursuits. Neither the plant nor the SWIP will enhance environmental viewsapes, of course.

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I57-10 Responses to the several questions contained under the commenter's heading 4.0 Environmental Consequences are presented in the following text.

- Section 2.2.5.1.5, *Abandonment*, of this FEIS describes what would happen to the plant site after its projected lifespan. Given that the property would have significant infrastructure in place, at the end of its commercial life, decisions would be made regarding continuing to use the power plant site for electric generation purposes or another industrial use. If it is determined to permanently cease operation of the Station, the power island would be razed with foundations left in place, and the power plant site restored to a condition suitable for future industrial use. Onsite rail, electric transmission, and water facilities would be left in place to support a future use of the property. The solid waste disposal facility would be capped and reclaimed in accordance with applicable regulations and the Station's solid waste permit.
- Part (b) of the first question poses a hypothetical situation where the plant site were fully or partially constructed but never operated. In such a situation, a determination similar to that discussed in part (a) of the question would be made. The infrastructure in place at the project site could be used for other electric generation purposes or another industrial use. If it is determined to permanently cease the use of the site's infrastructure, the power island would be razed with foundations left in place, and the power plant site restored to a condition suitable for future industrial use.
- As discussed in Section 2.2.1.4, *Sale of Power Plant ROW*, of this FEIS, WPEA has requested that the BLM dispose of the power plant right-of-way to WPEA by direct sale. Once disposed, WPEA would then become a private property owner in White Pine County. This property would remain private.
- As referenced in a July 2007 letter from White Pine County to the BLM, an Interim Development Agreement was created between White Pine County and WPEA in early 2004. The Agreement stipulates that the water rights would remain in the County's name and the project would lease the water for use by the Station.
- WPEA would be responsible for any final site cleanup and mitigation costs.

Multiple Federal, State, and County agencies would oversee the permitting and enforcement actions for this project. For a complete list of those agencies whose approval may be needed to implement the proposed project, see Table 1-2 of the DEIS and this FEIS.

I57-11 The White Pine Energy Station would have three 550-foot-high cooling towers and two 600-foot-high stacks. These structures would have Federal Aviation Administration-required warning lights to help aircraft avoid them. The Proposed Action would be 34 miles from the Ely airport and Alternative 1 would be 22 miles from the airport. Given the typical operating altitude for airplanes, including gliders, at those distances from the airport, the potential for collisions with project facilities was considered extremely low and therefore not analyzed. These structures would require an airspace obstruction permit or notice from the FAA and include appropriate safety measures.

I57-12 Section 4.7.3.5, *Night Sky Effects*, of the DEIS and this FEIS discusses the potential effects of the Station on night skies and best management practices to reduce effects. Based on its closer location to Ely and McGill, Alternative 1 is anticipated to add some light that may appear to blend into existing night light. Approximately 12 miles further away from the communities, the Proposed Action would have less impact.

WPEA has committed to follow Dark Sky lighting practices, which would minimize effect of night light associated with the Station. These measures are described in *Best Management Practices*, Visual Resources, Item 4 (page A-9) of the DEIS (Appendix A) and this FEIS (Appendix C). These measures

are consistent with the guidelines contained in "Simple Guidelines for Lighting Regulations" found at www.darksky.org. These Dark Sky guidelines have the following purposes: (1) permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night; (2) curtail and reverse any degradation of the nighttime visual environment and the night sky; (3) minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary; (4) conserve energy and resources to the greatest extent possible; and (5) help protect the natural environment from the damaging effects of night lighting.

